

JOHN SIETZE BERGSMA

The Jubilee from Leviticus to Qumran

A History of Interpretation

SUPPLEMENTS TO VETUS TESTAMENTUM [115]

BRILL

THE JUBILEE FROM LEVITICUS TO QUMRAN

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A History of Interpretation

By

John Sietze Bergsma



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To James C. VanderKam

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John Bergsma
Steubenville, Ohio
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ABBREVIATIONS

The abbreviations used throughout this volume are those of *The SBL Handbook of Style*.

CHAPTER ONE

THE JUBILEE AND ITS HISTORY OF INTERPRETATION

1. *Introduction*

In various times and places throughout history, the ancient Israelite jubilee year has exercised a powerful influence on the religious imagination of Jews and Christians. In contexts as diverse as the African-American spiritual tradition, the cultic calendar of the Catholic Church, and the writings of modern liberation theologians, the year of jubilee has served as a symbol of freedom, both spiritual and material, and inspired efforts to attain it.

The influence of the jubilee on religious thought and life—most recently visible in the celebration of the Jubilee Year 2000 in many Christian communities and the associated movement for the forgiveness of third world debt—naturally raises curiosity about the origins and history of the institution described in Leviticus 25. The most frequently asked question is invariably whether the jubilee was actually observed in ancient Israel. Unfortunately, neither the biblical nor the archeological data enables us to give a definitive answer to that question. What the biblical data does indicate, however, is that the meaning of the jubilee for the people of Israel developed over time. Thus, the reinterpretation of the jubilee in more recent times—for example, as a metaphor for the quest of African-Americans for full civil equality—stands in a long tradition of jubilee reinterpretation throughout the history of ancient Israel and early Judaism, as the religious needs and experience of the community changed and developed.

The aim of this study is to survey the history of that process of reinterpretation, from the roots of the jubilee year in ancient Near Eastern law and practice, to its original formulation in pre-exilic Israel, through its various re-uses in the Hebrew Bible/Old Testament, Second Temple literature, and Qumran writings as a legal, ethical, chronological, eschatological, and messianic concept.¹

¹ The present study will stop short of the first-century texts (e.g. the New Testament,

In the course of our study, the several different senses the jubilee obtains in Israelite and Jewish literary history will be explicated. The *legal* (or *socio-economic*) sense is the first: that which obtained when the legislation was formulated. Following and building on the work of Jacob Milgrom, Moshe Weinfeld, and others, it will be argued that sometime in pre-exilic Israel the jubilee legislation was composed in a form similar to our extant texts, by Israelite priests as part of a more comprehensive code, in response to—or anticipation of—the growth of latifundia and debt-slavery, drawing upon older Israelite legal traditions (the Covenant Code) as well as the example of royal proclamations of release and forgiveness in surrounding ancient Near Eastern cultures. It was *intended* as earnest legislation reflecting the values and structures of pre-monarchic tribal Israel, regardless of the extant to which it was practiced or enforced.

A second, or *eschatological* sense can be found in the exilic period in the books of Ezekiel and Isaiah, and in the Second Temple literature. The prophetic authors of Ezekiel 40–48 and the Isaiah 40–66 had meditated on Israel's scriptural traditions, but did not foresee a simplistic return to a previous stage of Israel's legal and religious development. Although each alludes to the jubilee in a different way, both seem to re-apply the concept of the jubilee from the individual Israelite debtor to the nation as a whole, viewing the anticipated end of the exile and return to the land as a corporate jubilee for the nation. This may be called a *corporate re-application* of the text. For these authors, the return from exile would involve the restoration of Israel and the inauguration of an eschatological age, for which the jubilee was one among several images.

Philo, Josephus), whose use of jubilee traditions has already been extensively discussed by other scholars: John H. Yoder, *The Politics of Jesus* (Grand Rapids: Eerdmans, 1972); André Trocmé, *Jesus and the Nonviolent Revolution* (Scottsdale, Penn.: Herald, 1973); Larrimore Clyde Crockett, "The Old Testament in the Gospel of Luke with Emphasis on the Interpretation of Isaiah 61:1–2," (Ph.D. diss., Brown University, 1973); Robert B. Sloan, Jr., *The Favorable Year of the Lord: A Study of Jubiliary Theology in the Gospel of Luke* (Austin, TX: Schola Press, 1977); Donald W. Blosser, "Jesus and the Jubilee (Luke 4:16–30): The Year of Jubilee and Its Significance in the Gospel of Luke," (Ph.D. diss.; St. Andrew's University, 1979); Sharon H. Ringe, "The Jubilee Proclamation in the Ministry and Teachings of Jesus: A Tradition-Critical Study in the Synoptic Gospels and Acts," (Ph.D. diss., Union Theological Seminary [New York], 1981); G.K.-S. Shin, *Die Ausrufung des Endgültigen Jubeljahres durch Jesus in Nazareth: Eine historisch-kritische Studie zu Lk 4,16–30* (Bern: Lang, 1989); Michael Prior, *Jesus the Liberator: Nazareth Liberation Theology (Luke 4.16–30)* (Sheffield: Sheffield Academic Press, 1995). Blosser and Ringe review jubilee concepts in Philo and Josephus.

Already in Isaiah 61, the jubilee attracts a *messianic* sense. Although the original jubilee legislation required no individual mediator for its actualization, in Isaiah 61:1–4 notions of an anointed *go'el* (redeemer) figure are associated with the realization of the justice, equality, and general *shalom* of which the jubilee has become a symbol or “type.” This messianic sense will persist in later literature, such as Daniel 9 and 11QMelchizedek, where the realization of the jubilee promises continue to be associated with the coming of an “anointed one.”

Since the restoration symbolized by the jubilee was not fully realized by the partial return of the Judeans from exile in Babylon, in Second Temple literature the *chronological* value of the jubilee comes to the fore, in part as an aid in determining when the restoration would be perfectly realized. The key text in this respect is Daniel 9, where the angel Gabriel is said to specify a period of 490 years until the eschaton arrives. Later literature seems to have understood these 490 years as a period of ten jubilees. For example, the Qumran documents 11QMelchizedek, 4Q372, and 4Q390 speak of “ten jubilees,” in the tenth of which a messianic figure is anticipated who will establish spiritual and social justice for Israel.

The Book of Jubilees goes further in this chronological use of the jubilee, dividing the history of the world from creation until Israel's entry into the land into forty-nine-year jubilee cycles and multiples thereof. In the Apocalypse of Weeks (1 Enoch 93:1–10; 91:11–17)—which may pre-date Jubilees itself—the time from creation to the judgment is calculated as seven units of seven, i.e. forty-nine units or a jubilee. There may be other uses of a large (490-year) jubilee in the work as well.

Although the chronological value of the jubilee is prominent in Daniel, *Jubilees*, and several Qumran documents, it is also clear that its eschatological and messianic senses are not forgotten. The forgiveness of debts (material and spiritual), return to the land, and restoration of equality and prosperity integral to the jubilee legislation continue to function as images of the final age these writers envision at the end of their chronological schemes.

Finally, in one Qumran document, there is a variation of the chronological use of the jubilee that may be termed *cultic-calendrical*. 4QOtot (4Q319) presents a 294-year system for correlation the jubilee and *shemittah*-year (cf. Deut 15:1–11) cycles with the rotation of priestly courses or *mishmarot*. This intriguing document raises more questions than it answers, but does witness to an attempt by the Qumran

community to govern their cultic life by the sacred calendrical cycles.

No such comprehensive analysis of the development of the jubilee concept has previously been completed. Moreover, many of the relevant texts have not been carefully examined from the perspective of their place within the broader stream of the interpretation of the jubilee (e.g. Dan 9:3–27), have not been recognized as alluding to the jubilee (e.g. Isa 37:30–32), or were previously unavailable for study (e.g. 4Q319, 4Q383–390). Thus it is hoped that, in the course of this study, new light will be shed on the exegesis of several of these significant biblical and non-biblical passages, and that the results will be of use to scholars working on these specific texts as well as those engaging larger issues, such as the interrelationship of the various legal codes (Covenant, Holiness, and Deuteronomic) within the Torah, the relationship of the prophetic books with the Torah, and the eschatology and chronography of Second Temple Judaism and the Qumran community. Moreover, as the most thorough analysis to date of the history of the jubilee up to the coming of Christ, the present study should provide a useful foundation from which to proceed to the analysis of various New Testament texts which appeal to jubilee themes (e.g. Luke 4:16–30, Matt 18:22) and the claims that have been made about these texts in recent times.²

2. Overview of Scholarship

There have been no monograph-length treatments of the history of the interpretation of the jubilee, and relatively few articles on the subject. Two are worthy of mention. The more significant is James C. VanderKam's "Sabbatical Chronologies in the Dead Sea Scrolls and Related Literature."³ VanderKam discusses the Lev 25 legislation and related Pentateuchal material (Exod 23:10–11, Deut 15), and then traces the use of sabbaths and jubilees for chronological purposes through the Hebrew Bible/Old Testament, the Pre-Qumran writings, and the Qumran literature. VanderKam's work provides an extremely valuable overview of the subject and starting point for this project,

² For example, by Trocmé (*Jesus and the Nonviolent Revolution*) and Yoder (*The Politics of Jesus*).

³ James C. VanderKam, "Sabbatical Chronologies in the Dead Sea Scrolls and Related Literature," in *The Dead Sea Scrolls in Their Historical Context* (Ed. Timothy H. Lim; Edinburgh: Clark, 2000): 159–78.

particularly his analysis of the amalgamation of jubilee, eschatological, and messianic themes in 11QMelchizedek. However, VanderKam does not discuss a number of texts which will fall within the parameters of this study (e.g. Ezek 46:16–18; Isa 61:1–4; 4QOtot, and others), and concentrates his attention primarily on the chronological uses of the jubilee.

Another article, Francesco Bianchi's "Das Jubeljahr in der hebräischen Bibel und in den nachkanonischen jüdischen Texten,"⁴ seems by its title to promise an overview of the history of interpretation of the jubilee, but actually devotes less than half a dozen pages to the subject. The bulk of the essay consists of an exegesis of Lev 25, which Bianchi argues is a composition of post-exilic priests endeavoring to provide a legal basis for the return of their former lands. This hypothesis, however, has several difficulties.⁵

Two other works which overlap with the present project are the unpublished dissertations of Sharon H. Ringe and Donald W. Blosser on the significance of the jubilee in the message and ministry of Jesus Christ.⁶ Both Ringe and Blosser, writing independently of each other on the same topic at approximately the same time, were responding to the controversial proposal of André Trocmé and John Howard Yoder that Jesus intended, through his ministry, to inaugurate a jubilee year that would radically reform the socio-economic conditions of first-century Palestine.⁷

Blosser's dissertation briefly surveys the history of interpretation of the jubilee in its first two chapters. After reviewing the precedents for the jubilee legislation in older ancient Near Eastern literature, Blosser examines Lev 25 itself, concluding that the legislation arose at the time of the occupation of the land (twelfth-century B.C.E. conquest), and was adjusted in some minor ways after the exile.⁸ He regards Exod 21:2–7, 23:10–11, and possibly Deut 15:1–17 as sources for the jubilee.⁹ The debt-release provisions of the *shemittah* year of Deut 15

⁴ Francesco Bianchi, "Das Jubeljahr in der hebräischen Bibel und in den nachkanonischen jüdischen Texten," in *Das Jubeljahr im Wandel: Untersuchungen zu Erlassjahr- und Jubeljahrtexten aus vier Jahrtausenden* (Forschung zur Bible 94; ed. G. Scheuermann; Wüzburg: Echter, 2000), 55–104.

⁵ See John S. Bergsma, "The Jubilee: A Post-Exilic Priestly Attempt to Reclaim Lands?" *Bib* 84 (2003): 225–46.

⁶ Ringe, "The Jubilee Proclamation," and Blosser, "Jesus and Jubilee."

⁷ Yoder, *The Politics of Jesus*; Trocmé, *Jesus and the Nonviolent Revolution*.

⁸ Blosser, "Jesus and Jubilee," 46.

⁹ Blosser, "Jesus and Jubilee," 48–54.

represent an adjustment of the sabbatical year laws to fit an urban economy.¹⁰

Examining the rest of the canonical Hebrew scriptures, Blosser observes that references to the jubilee in Lev 27 and Num 36 indicate the institution was taken seriously in ancient Israel.¹¹ While he sees allusions to the jubilee in Jer 32; 34:8–22; 1 Kgs 21; Isa 5:8; 29:18–20; 35:5–10; 42:1–7; 49:8–13; 58:5–9; 61:1–2; 63:4–6; Ezek 7:12–13; 11:15–21; 1 Chr 36:21 and Dan 9:24–27, he curiously omits Ezek 46:16–18.¹² Moving into the Second Temple literature, Blosser notes the use of the jubilee as a chronological concept in some works (T. Levi 17:2, 3; 2 Bar 70:3–4), but the chronological use of the jubilee is of little interest to him.¹³ Of greater interest is the Qumran literature, particularly 11QMelchizedek. Here the concept of jubilee is attached to a messianic figure, perhaps in a way similar to Luke 4.¹⁴

There are certain methodological differences between Blosser's search for references to the jubilee in the Old Testament/Hebrew Bible and Second Temple literature and the one undertaken here. First, he uses the term "jubilee" quite freely, encompassing the fallow year of Exod 23:10–11 and the *shemittah* year of Deut 15, such that he describes Deut 15 as a "jubilee text."¹⁵ Second, he tends to consider any reference to the themes of release or freedom as references to the "jubilee" or to "jubilee concepts." This explains in part his extensive attention "jubilee" themes in Isaiah, since the second part of Isaiah contains numerous references to freedom and release.

This provides the opportunity to clarify the methodology of the present study. The focus here is solely on the jubilee year and the text of Lev 25:8–55. The jubilee year is not the same as the fallow year (Exod 23:10–11), the sabbatical year (Lev 25:1–7), or the *shemittah* year (Deut 15:1–11), and the references to these institutions in later literature are beyond the scope of this study. Moreover, mere references to freedom, liberty, or release will not be sufficient to merit a text's inclusion in the history of interpretation of the jubilee. There must be some indication that the text alludes to either the Israelite year of jubilee or the text of Lev 25:8–55.

¹⁰ Blosser, "Jesus and Jubilee," 44.

¹¹ Blosser, "Jesus and Jubilee," 62–66.

¹² Blosser, "Jesus and Jubilee," 55–76.

¹³ Blosser, "Jesus and Jubilee," 78–79.

¹⁴ Blosser, "Jesus and Jubilee," 92–94.

¹⁵ Blosser, "Jesus and Jubilee," 42.

Sharon H. Ringe adopts a similar approach to Blosser, although her conclusions on specific issues are different. Ringe devotes two chapters of her dissertation to the history of interpretation of the jubilee, one to the jubilee in the Old Testament, the other to late Second Temple Judaism. Ringe accepts the conclusions of Jirku, Kilian, Noth, and others that Lev 25 is the work of a priestly editor in the late exilic or post-exilic period, drawing on earlier legislation (Exod 21:1–7, 23:10–11, Deut 15:1–17) and approximately contemporaneous with Isa 61:1–2 and possibly Neh 5:1–13 and 10:31.¹⁶ She pays particularly close attention the “prophetic amplification” of jubilee motifs in Isa 61:1–2, exploring the intertextual relationships between this passage and other thematically related passages in Isaiah (58:1–14, 49:8–13, 42:5–9, 35:1–10; 29:17–21).¹⁷ She also regards Ps 146 as a “liturgical celebration” of jubilee themes stemming from the same general period in Israel’s history as Lev 25 and Isa 61.¹⁸

Moving into the Second Temple literature, Ringe takes up the issue of jubilee themes in the *Book of Jubilees* and the Qumran texts, both of which fall within the parameters of the present study. She concludes that *Jubilees* does little with the concept of “jubilee” except to use it as a chronological measure.¹⁹ The Qumran literature receives more attention, particularly the *Manual of Discipline* and 11QMelchizedek.²⁰ Ringe argues that in both of these texts, the jubilee is associated—through Isa 61:1–2—with eschatological expectations and the coming of a messianic figure.

Ringe’s exploration of the history of interpretation of the jubilee differs considerably from the present study. For example, since Ringe regards Lev 25 as such a late text, she does not recognize any allusions to, or reinterpretations of, the jubilee legislation *per se* in the Hebrew Bible/Old Testament. Furthermore, since her primary goal is to elucidate the exegesis of jubilar texts in the synoptic gospels and Acts, she omits the reinterpretation of the jubilee in documents she deems less pertinent (Ezekiel, Daniel, *1 Enoch*, *T. Levi*), and spends more effort examining Psalm 146 and texts of Isaiah that—while dealing with the general theme of divine liberation—probably do not

¹⁶ Ringe, “Jubilee Proclamation,” 42.

¹⁷ Ringe, “Jubilee Proclamation,” 53–69.

¹⁸ Ringe, “Jubilee Proclamation,” 70–71.

¹⁹ Ringe, “Jubilee Proclamation,” 82.

²⁰ Ringe, “Jubilee Proclamation,” 107–16.

have a direct tie with Lev 25 or the year of jubilee. Like Blosser, her definition of “jubilee” is rather broad. Finally, some important Qumran documents—notably 4QOt^{ot} (4Q319) and 4Q383–391 (including “*Apocryphon of Jeremiah C*”)—were unavailable to Ringe (and Blosser) at the time of publication.

While VanderKam’s essay and the early chapters of Blosser’s and Ringe’s dissertations are the three works most similar in scope to the present project, the “raw materials” for the construction of a more thorough-going history of the jubilee are extant in the secondary literature. The following are some of the more important works which will provide links in the chain of development of the present study.

2.1. *Antecedents of the Jubilee Legislation*

With regard to the pre-history of the jubilee, the relevant ancient Near Eastern materials have been gathered and assessed by Moshe Weinfeld in various articles and a major monograph.²¹ Weinfeld argues, based on ancient Near Eastern parallels in *misharum* and *andurarum* proclamations, that the jubilee is indeed ancient legislation which reflected some actual historical practices, but included utopian elements as well. Much like the Code of Hammurabi, the jubilee legislation presented a legislative ideal toward which to strive, rather than binding law.

In addition to Weinfeld’s, there are a host of articles that bear either directly or indirectly on the relationship of Lev 25 to ancient Near Eastern material.²² Other studies have been concerned with the rela-

²¹ All the relevant articles are collected in Weinfeld’s monograph, *Social Justice in Ancient Israel and in the Ancient Near East* (Jerusalem: Magnes/Minneapolis: Fortress, 1995).

²² Classic and recent works on the ancient Near Eastern background of the jubilee include, in chronological order: Eli Ginzberg “Studies in the Economics of the Bible,” *JQR* n.s. 22 (1931–32): 343–408, esp. 400–405; Hildegard and Julius Lewy, “The Origin of the Week and the Oldest West Asiatic Calendar,” *HUCA* 17 (1942/43): 1–148; Isaac Mendelsohn, *Slavery in the Ancient Near East* (New York: Oxford University Press, 1949); Eduard Neufeld, “Socio-economic Background of *ṭōbēl* and *šmūtā*,” *RSO* 33 (1958) 53–124; Julius Lewy, “The Biblical Institution of D’rôr in the Light of Akkadian Documents,” *EI* 5 (1958): 21–31; R. Yaron, “A Document of Redemption from Ugarit,” *VT* 10 (1960): 83–90; J. J. Finkelstein, “Ammišaduqa’s Edict and the Babylonian ‘Law Codes’,” *JCS* 15 (1961): 127–34; idem, “Some New *Misharum* Material and its Implications,” *AS* 16 (1965): 225–31; F. R. Kraus, “Ein Edikt des Königs Samsu-Iluna von Babylon,” *AS* 16 (1965): 225–31; Shmuel Safrai et al., “Sabbatical Year and Jubilee,” *EJ* 14: 574–86; I. Schiffman, “Die Grundeigentumsverhältnisse in Palästina in der Ersten Hälfte des 1. Jahrtausends v. u. Z.,” in *Wirtschaft und Gesellschaft im Alten Vorderasien* (ed. J. Harmatta and G. Komoróczy; Budapest: Akadémiai Kiadó,

tionship between Lev 25 and similar Pentateuchal texts (Exod 21:1–7, 23:10–11, Deut 15:1–18). Most of these assume a traditional Wellhausenian scheme in which Lev 25 is read as late- or post-exilic and as drawing upon both the Covenant Code and Deuteronomy,²³ although there are also articulate proponents of reading Lev 25 as prior to—or independent of—Deut 15.²⁴

2.2. *Leviticus 25*

The last sixty years have seen three scholarly monographs devoted to Lev 25 and the jubilee *per se*. The classic work on the jubilee is Robert North's monograph *Sociology of the Biblical Jubilee* (1954).²⁵ North

1976), 457–71; Cristina Simonetti, “Die Nachlaßbedikte in Mesopotamien und im antiken Syrien,” in *Das Jubeljahr im Wandel: Untersuchungen zu Erlassjahr- und Jubeljahrtexten aus vier Jahrtausenden* (ed. G. Scheuermann; Forschung zur Bible 94; Würzburg: Echter, 2000), 5–54.

²³ For example, Rainer Albertz, “Die Tora Gottes gegen die wirtschaftlichen Sachzwänge,” *Ökumenische Rundschau* 44 (1993): 290–310; Yairah Amit, “The Jubilee Law—An Attempt at Instituting Social Justice,” in *Justice and Righteousness* (ed. H. G. Reventlow and Yair Hoffman; Sheffield: JSOT Press, 1992): 47–59; Heinz-Josef Fabry, “Deuteronomium 15,” *ZABR* 3 (1997): 92–111; Robert Gnuse, “Jubilee Legislation in Leviticus: Israel's Vision of Social Reform,” *BTB* 15 (1985): 43–48; Stephen A. Kaufman, “A Reconstruction of the Social Welfare Systems of Ancient Israel,” in *In the Shelter of Elyon* (ed. W. B. Barrick and J. R. Spencer; JSOTSup 31; Sheffield: JSOT Press, 1984): 277–86; Hans G. Kippenberg, “Die Entlassung aus Schuldknechtschaft im antiken Judäa: Eine Legitimitätsvorstellung von Verwandtschaftsgruppen,” in *Vor Gott Sind Alle Gleich* (Düsseldorf: Patmos, 1983): 74–104; N. P. Lemche, “The Manumission of Slaves—The Fallow Year—The Sabbatical Year—The Jubel Year,” *VT* 26.1 (1976): 38–59; Norbert Lohfink, “Gottes Reich und die Wirtschaft in der Bibel,” *IKaZ* 15.2 (1986): 110–23; Arndt Meinhold, “Zur Beziehung Gott, Volk, Land im Jubel-Zusammenhang,” *BZ* n.f. 29.2 (1985): 245–61; Eckart Otto, “Programme der sozialen Gerechtigkeit,” *ZABR* 3 (1997): 26–63; Bernard M. Levinson, “The Birth of the Lemma: The Restrictive Reinterpretation of the Covenant Code's Manumission Law by the Holiness Code (Leviticus 24:44–46),” *JBL* 124 (2005): 617–39; idem, “The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory,” in *Congress Volume Leiden 2004* (ed. André Lemaire; VTSup 109; Leiden: Brill, 2006), 281–324.

²⁴ Adrian Schenker, “The Biblical Legislation on the Release of Slaves: The Road from Exodus to Leviticus,” *JSOT* 78 (1998): 23–41; Sara Japhet, “The Relationship between the Legal Corpora in the Pentateuch in Light of Manumission Laws,” in *Studies in the Bible* (ed. Sara Japhet; ScrHier 31; Jerusalem: Magnes, 1986): 63–89; G. C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East* (JSOTSup 141; Sheffield: JSOT Press, 1993): 342–43.

²⁵ Robert G. North, *Sociology of the Biblical Jubilee* (AnBib 4; Rome: Pontificio Instituto Biblico, 1954).

provided an exhaustive bibliography of scholarship pertinent to the jubilee, and his own—sometimes singular—judgments on the issues surrounding the nature of the institution. North argued that the jubilee was an earnest piece of legislation—produced by an authority who rearranged older Semitic legal traditions—intended for a one-time enactment forty-nine years after the initial Israelite settlement of Canaan. After that date, the law continued to be copied in Israelite legal codes as a reminder of the socio-economic and legal ideals it represented.

In a recent update to his original monograph,²⁶ North comments on scholarship pertinent to the subject in the intervening years, and, while not abandoning his earlier positions, concedes that there is—in his opinion—some force to the recent arguments for seeing the jubilee as a product of the late exile.²⁷

A more recent monograph is Jeffrey A. Fager's *Land Tenure and the Biblical Jubilee: Uncovering Hebrew Ethics through the Sociology of Knowledge*.²⁸ Fager assumes without argument that the final form of Lev 25 is a product of the late exile, in part, but not exclusively, an attempt by "the priests" to get back the lands belonging to former exiles.²⁹ He also provides some strong arguments that the legislation was based on much earlier legal traditions.³⁰ Fager uses the categories of K. Mannheim's "Sociology of Knowledge" to organize his sometimes valuable exegetical results.³¹

The most recent contribution to jubilee scholarship, Jean-François Lefebvre's *Le jubilé biblique: Lv 25—exégèse et théologie*, represents an advance over North and Fager in depth and precision of discussion.³²

²⁶ Robert G. North, *The Biblical Jubilee . . . After Fifty Years* (AnBib 145; Rome: Pontificio Instituto Biblico, 2000).

²⁷ North, *After Fifty Years*, 114.

²⁸ Jeffrey A. Fager, *Land Tenure and the Biblical Jubilee: Uncovering Hebrew Ethics through the Sociology of Knowledge* (JSOTSS 155; Sheffield: JSOT Press, 1993).

²⁹ Fager, *Land Tenure*, 60–63.

³⁰ Fager, *Land Tenure*, 24–36.

³¹ Fager, *Land Tenure*, 21–23.

³² Jean-François Lefebvre, *Le jubilé biblique: Lv 25—exégèse et théologie* (OBO 194; Göttingen: Vandenhoeck & Ruprecht, 2003). I regret that Lefebvre's monograph became available only after the majority of the present study had been written; thus it was impossible to engage his (often balanced and judicious) conclusions in the body of this work. I restrict my remarks to one comment: his late dating of Lev 25 seems incompatible with Ezekiel's knowledge of the jubilee, unless one gratuitously dates Ezekiel into the post-exilic period, as did M. Burrows, *The Literary Relations of Ezekiel* (New York: JPS, 1925) and others since. Otherwise, Lefebvre's work is of high quality, and is to be commended for engaging a wide range of views in the secondary literature, including those opposed to his own.

The heart of Lefebvre's work is a minute philological-exegetical study of the text of Lev 25:1–55, which he divides into two parts: Lev 25:1–22, concerning the sabbatical year and jubilee, and Lev 25:23–55, concerning juridical situations arising from the jubilee legislation. After the exegetical study of each of the two parts, Lefebvre devotes several chapters to addressing various *crucis*: whether the jubilee was the forty-ninth or fiftieth year; whether it was ever practiced; its relationship with the slave laws of Exod 21 and Deut 15, etc. Lefebvre regards the jubilee as synchronous with the seventh sabbatical year. Certain thematic similarities to the narrative of Neh 5 suggest to him the Persian period as the time of origin of this largely utopian legislation; therefore it is posterior to Exod 21 and Deut 15 (in that order).

Unfortunately, North, Fager, and Lefebvre do not attend to the *Rezeptionsgeschichte* of the jubilee. North is surprisingly minimalist in his reconstruction of the jubilee's history of interpretation, unwilling to concede allusions to the jubilee even in Ezek 46:16–18.³³ Fager, on the other hand, has no reason to delve into the history of interpretation. He does discuss the relationship of Lev 25 with Ezek 40–48 at length, but he maintains that the “school of Ezekiel” which authored Ezek 40–48 and “the priests” who wrote Lev 25 were contemporaries. Thus, the apparent reflections of the Holiness Code in Ezekiel are not references or interpretations, but manifestations of a common tradition. Lefebvre has defined his project closely around the text of Lev 25; thus, apart from discussions of the relationship with other pentateuchal slave laws (Exod 21 and Deut 15), the treatment of the reception of the jubilee is limited to incidental remarks.

Although not a monograph, Jacob Milgrom's treatment of the jubilee in his Anchor Bible commentary on Leviticus deserves mention with Fager and North, due to its remarkable length, detail, and originality.³⁴ Milgrom dates Lev 25, with the rest of the Holiness Code, to around the eighth century B.C.E., as a priestly response to the disruption of society caused by the growth of the monarchy, latifundia, and an urban, trade-based economy. He shows—somewhat persuasively—that the text of Lev 25 as it now stands is coherent, consisting

³³ North, *Sociology*, 40.

³⁴ Jacob Milgrom, *Leviticus 23–27: A New Translation and Commentary* (AB 3b; New York: Doubleday, 2001): 2145–277. Milgrom's comments on Lev 25 actually comprise more text than Fager's entire monograph.

of legislation governing the successive, worsening stages of impoverishment of an Israelite land-owner. It was earnest legislation, based on some historical practice, even if the two-year fallow of the forty-ninth and fiftieth year would have been unworkable.

2.3. *The Jubilee in the Prophets*

Some of the most interesting work on the re-use of the jubilee in the rest of the Hebrew Bible/Old Testament—namely, the major/latter prophets—has been provided by Walther Zimmerli.³⁵ Zimmerli places Isaiah 61 in the very early post-exilic period, and understands it as amalgamating the expectation of the jubilee year in Lev 25 with the notions of a “messianic” *go’el*, redeemer. To Zimmerli, it is clearly a secondary re-application of the jubilee tradition, since the socio-economic specificity of forgiveness of monetary debt and return to property is generalized to “comfort for mourners” and “freedom for captives”—which may be figurative for the disheartened (but not physically shackled) exiles. Zimmerli also suggests that Ezekiel’s notice of the date of his vision of restoration (Ezek 40:1) places him at the day of atonement exactly half-way through a jubilee cycle, thus heightening the sense of expectation of the anticipated restoration at the conclusion of that period. Ezekiel 46:17 attests that Ezekiel knew Lev 25 or an earlier stage of the jubilee law.

Zimmerli’s jubiliary interpretations of Ezek 40:1 and Isa 61:1–4 have received support from other scholars. Jon D. Levenson, for example, endorses Zimmerli’s understanding of the significance of Ezek 40:1 as marking the half-way point of the exile and the expected jubilee restoration,³⁶ and Benjamin Sommer concurs with Zimmerli’s assessment of Isa 61:1–4, which he sees as a re-application of the jubilee law from the individual Israelite debtor to the nation as a whole, such that the exile is the period of servitude of corporate Israel and the restoration a jubilee return.³⁷

In addition to Isaiah and Ezekiel, some attention must be paid to Jeremiah’s prophecy of the “seventy years,” if not for its own relation-

³⁵ Walther Zimmerli, “Das Gnadenjahr des Herrn,” in *Archäologie und Altes Testament* (Tübingen: JCB Mohr, 1970), 321–32.

³⁶ Jon D. Levenson, *The Theology of the Program of Restoration of Ezekiel 40–48* (HSM 10; Cambridge, Mass.: Scholars Press for the Harvard Semitic Museum, 1976), 18.

³⁷ Benjamin Sommer, *A Prophet Reads Scripture: Allusion in Isaiah 40–66* (Stanford: Stanford University Press, 1997): 140–6.

ship to the jubilee, at least in anticipation of the later literature which would combine the “seventy years” with jubilee concepts. Here, William Holladay’s commentary is helpful, as are articles by J. Applegate, C. F. Whitley, and Avigdor Orr.³⁸ Applegate points out that in the rest of the HB/OT, Jeremiah is chiefly remembered for his prophecy of “seventy years,” which may have been a round figure with more than one application. Whitley and Orr debate which period of the seventy years was intended in Jer 25 and 29: 586–516 B.C.E., the destruction to the rebuilding of the temple; or 605–539 B.C.E. (66 years, i.e. roughly 70), the period of Babylonian hegemony.

2.4. *The Jubilee in the Writings*

Second Chronicles 36:20–23 provides the crucial step of linking the Jeremianic prophecy with Lev 26:34–43 and the unobserved sabbatical years of the exile. Little scholarship has been directed at this passage *per se*, but recently William Johnstone has argued that the Chronicler has intentionally structured his genealogies on a jubiliary pattern.³⁹ The generation of the exile is, according to Johnstone’s reading of Chronicles, the fiftieth or “jubilee” generation from Adam. It is this jubilee generation which receives the “jubilee” proclamation of Cyrus in 2 Chron 36:20–23, authorizing freedom from exile, return to the ancestral land, and cultic renewal.

Daniel 9:24–27—the famous prophecy of “seventy weeks of years” for Israel and Jerusalem—seems indebted to Jeremiah’s prophecies (Jer 25, 29) and 2 Chron 36:20–23, and considerable scholarship has been expended in the attempt to make sense of it. Basic to the discussion are the insights of John J. Collins and John Goldingay in their respective commentaries.⁴⁰ Fishbane’s classic treatment of this chapter—in which he pictures Daniel searching the Scriptures, praying for insight into the text of Jeremiah, and receiving divine exegetical

³⁸ William L. Holladay, *Jeremiah 1–2* (2 Vols.; Hermeneia; Minneapolis: Fortress, 1989); John Applegate, “Jeremiah and the Seventy Years in the Hebrew Bible,” in *The Book of Jeremiah and its Reception* (BETL 128; Leuven: Leuven University Press, 1997): 91–110; C. F. Whitley, “The Term Seventy Years Captivity,” *VT* 4 (1954): 60–72; “The Seventy Years Desolation—A Rejoinder,” *VT* 7 (1957): 416–18; Avigdor Orr, “The Seventy Years of Babylon,” *VT* 6 (1956): 304–6.

³⁹ See William Johnstone, “Hope of Jubilee: The Last Word in the Hebrew Bible,” *EQ* 72 (2000): 311

⁴⁰ John J. Collins, *Daniel* (Hermeneia; Minneapolis: Fortress, 1993); John Goldingay, *Daniel* (WBC 30; Dallas: Word, 1987).

insight—cannot be ignored;⁴¹ nor can the articles of Devorah Dimant⁴² and L. Dequeker⁴³ from the 1991 Leuven conference on the interpretation of Daniel, in which both argue novel, provocative, and mutually exclusive schemes for the “seventy weeks” chronology. Dimant, in particular, takes notice of the Qumran documents that utilize chronologies of seventy- or 490-year periods, and attempts to use them to illuminate the text of Daniel 9.

2.5. *The Jubilee in Second Temple and Qumran Literature*

In the non-canonical literature relevant to the jubilee—1 *Enoch*, *Jubilees*, and the Qumran documents—the chronological value of the jubilee becomes dominant. VanderKam has made major contributions to the study of the chronology of *Jubilees*,⁴⁴ and Ben Zion Wacholder has contributed important scholarship on this subject and on other chronological schemes current in Second Temple Judaism.⁴⁵ Wacholder sees a common chronological tradition at work in *Jubilees*, the Damascus Document, and other Qumran literature. Wacholder draws on Daniel 9, Qumran documents, and archeological finds to construct a calendar of sabbatical years and jubilees from the exile through the early centuries C.E., arguing that some of the dates in the ministry of John the Baptist and Jesus were fraught with eschatological significance to Judeans because they coincided with sabbatical years. Roger T. Beckwith makes a similar but not identical argument, using Qumran chronology to place the birth of Christ in an eschatological “tenth jubilee,”⁴⁶ while Margaret Barker places the beginning of Christ’s *ministry* in that same

⁴¹ Michael A. Fishbane, *Biblical Interpretation in Ancient Israel* (New York: Oxford University Press, 1985): 458–533.

⁴² Devorah Dimant, “The Seventy Weeks Chronology (Dan 9,24–27) in Light of New Qumranic Texts,” in *The Book of Daniel in the Light of New Findings* (ed. A. S. van der Woude, BETL 106; Leuven: Leuven University Press, 1993): 57–76.

⁴³ L. Dequeker, “King Darius and the Prophecy of Seventy Weeks, Daniel 9,” in *The Book of Daniel in the Light of New Findings* (ed. A. S. van der Woude, BETL 106; Leuven: Leuven University Press, 1993): 187–210.

⁴⁴ VanderKam, “Studies in the Chronology of the Book of Jubilees,” in *From Revelation to Canon: Studies in the Hebrew Bible and Second Temple Literature* (ed. James C. VanderKam; JSJSup 62; Leiden: Brill, 2000): 522–44.

⁴⁵ Ben Zion Wacholder, *Essays on Jewish Chronology and Chronography* (New York: KTAV, 1976).

⁴⁶ Roger T. Beckwith, “The Significance of the Calendar for Interpreting Essene Chronology and Eschatology,” *RevQ* 10.2 (1980) 167–202.

period.⁴⁷ Some of the assumptions grounding the chronological schemes of Wacholder, Beckwith, and Barker lack direct evidential support, causing one to hesitate too quickly to adopt some of the attractive reconstructions they offer. Klaus Koch points out some of the difficulties and disputes about chronology in Second Temple apocalyptic literature, based on *1 Enoch* and Qumran material.⁴⁸ Rival schemes for charting the past and future seem to have been at work in late Second Temple Judaism.

The most provocative Qumran document, in terms of its combination of jubilee themes, messianism, chronological schemes, and tantalizing similarities with NT documents, is 11QMelchizedek. Important work has been done on this text by A. S. van der Woude,⁴⁹ Joseph Fitzmyer,⁵⁰ J. T. Milik,⁵¹ Paul Kobelski,⁵² Emile Puech,⁵³ and others, but much remains to be done. The inherent interest of the document, as VanderKam points out, stems from its vigorous mixing of various HB/OT traditions into a heady brew.⁵⁴ The text seems to be a *peshet* interpretation of Lev 25, in which other passages of Scripture are brought in to aid in interpretation. These other passages in turn receive interpretations, so the progression of thought is circuitous. Deuteronomy 15, Isa 61:1–2, Pss 82, 110, and Dan 9:25 are brought to bear on the interpretation of the jubilee. It is re-interpreted as an eschatological event—primarily through the use of Isa 61—which will bring blessing to the righteous and judgment to the wicked. The executor of this judgment will be none other than Melchizedek, who is understood as having near-divine status. This Melchizedekian

⁴⁷ Margaret Barker, “The Time is Fulfilled: Jesus and Jubilee,” *JSOT* 53.1 (2000): 22–32.

⁴⁸ Klaus Koch, “Sabbatstruktur der Geschichte,” *ZAW* 95.3 (1983): 403–30.

⁴⁹ Adam S. van der Woude, “11QMelchizedek and the New Testament,” *NTS* 12 (1965–66): 301–26; for the text of 11QMelchizedek, see F. García Martínez, E. J. C. Tigheelaar, and A. S. van der Woude, *DJD XXIII* (1998): 221–24.

⁵⁰ Joseph Fitzmyer, “Further Light on Melchizedek from Qumran Cave 11,” *JBL* 86 (1967): 25–41.

⁵¹ Josef T. Milik, “Milkî-sedeq et Milkî-reša’ dans les anciens écrits juifs et chrétiens,” *JJS* 23 (1972): 95–112, 124–6.

⁵² Paul Kobelski, *Melchizedek and Melchireša’* (Washington, D.C.: The Catholic Biblical Association of America, 1981): 3–23, 49–74.

⁵³ Émile Puech, *La croyance des Esséniens en la vie future: Immortalité, résurrection, vie éternelle?* (EBib 22; Paris: Gabalda, 1993); “Notes sur le manuscrit de XIQMelkîsédeq,” *RevQ* 12 (1987): 483–513.

⁵⁴ VanderKam, “Sabbatical Chronologies,” 169–76.

judgment will take place at the end of ten jubilees (490 years). Thus, 11QM^{elch} gathers up themes concerning the jubilee and sabbatical year from Lev 25, Deut 15, Isa 61, Dan 9 (drawing on Jer 25, 29), and various Psalms, forming a kind of jubiliary exegetical cocktail—an entirely fitting document with which to conclude our study of the history of the interpretation of the jubilee prior to the first century C.E.

3. *Method*

Unlike some previous monographs on the jubilee, this study will not attempt to develop and apply a new hermeneutical methodology.⁵⁵ Rather, the approach of this study will be eclectic, using whatever biblical-critical methodologies seem most appropriate and useful for elucidating the particular jubilee texts.

For all the major relevant texts (e.g. Lev 25, Exod 21:2–7, Isa 61:1–4), focussed attention will be paid (1) to the historical-critical concern of the text’s life-setting (*Sitz-im-Leben*), that is, the era and circumstances from which the text arose, and (2) to the literary-critical concern of the text’s setting within the larger composition of which it forms a part (*Sitz-im-Buch*), examining key-words, motifs, and structuring devices which link the text with its literary context.

The amount of attention to be paid to the historical-critical and literary-critical aspects will vary from text to text. For example, the historical-critical analysis of Lev 25 is crucial to the interests of the larger project: scholarly opinions on the historical origins of the jubilee legislation vary from a date of c. 1200 B.C.E. (the “conquest”) to c. 440 B.C.E. (Nehemiah’s governorship). Where one places the origin of Lev 25 within this 800-year spectrum directly impacts the way the text is interpreted (e.g. as earnest legislation or post-exilic propaganda) and dated relative to other texts that also mention the jubilee institution (e.g. Ezek 46:17–19; Isa 61:1–4). Therefore, a relatively detailed historical-critical assessment of Lev 25 is unavoidable. On the other hand, the dating of many other documents (e.g. 11QM^{elch}zede^k) is not nearly so controversial and has fewer implications for the larger project.

Likewise, the compositional setting (*Sitz-im-Buch*) of certain texts is

⁵⁵ Previously, both North (*Sociology of the Biblical Jubilee*) and Fager (*Land Tenure*) experimented with new “sociological” hermeneutics in their analyses.

more significant than for others. 11QMelchizedek, for example, is a fragment without a larger literary setting; whereas Lev 25 has important connections with Lev 26 and a place of prominence (at the end of Leviticus and the Holiness Code) which influences subsequent reinterpretation of the passage.

Other methodologies will be applied where appropriate. Text-critical and redaction-critical issues, for example, are unavoidable when dealing with Jeremiah's prophecies of "seventy years" (Jer 25:11–12, 29:10–14), which appear in different forms in the LXX and MT. Source-critical concerns will arise with some of the pentateuchal and prophetic texts to be examined.

The goal in every instance is to determine whether a given text makes direct or indirect reference to the jubilee institution or Lev 25:8–55, and if so, how the text of Leviticus and/or the concept of jubilee is being interpreted. In doing so, it will be necessary frequently to suspend modern critical interpretive perspectives, and attempt to enter the perspective of the various writers within the Israelite-Jewish scriptural tradition (e.g. the authors of Isa 61:1–4, *T. Levi*, 11QMelch) who approached older scriptural texts (e.g. Lev 25) from a much different perspective. James Kugel has summarized the operative principles of ancient interpreters as follows: the Scriptures were fundamentally (1) cryptic, (2) relevant, (3) perfect and perfectly harmonious, and (4) divinely inspired.⁵⁶ Temporarily embracing these principles will assist the modern scholar in understanding, for example, how the author of 11QMelchizedek can assign the roles of several eschatological figures described in Daniel and Isaiah to one person (i.e. Melchizedek) who inaugurates an eschatological jubilee. But the same principles of interpretation, to a greater or lesser degree, are also operative in earlier, canonical writers, such as the author of Dan 9 and Isa 61. For these authors and others, the seemingly dead legislation of Lev 25, an impractical legal leftover from an ancient tribal past, *had* to be relevant to people of Israel now living, and so became a cryptic vision of the restoration of the nation, as well as a clue—along with other scriptural texts—to the time the restoration would take place.

In sum, this study will make use of modern critical methodologies for interpreting the pertinent canonical and non-canonical texts, while

⁵⁶ James L. Kugel, *The Bible As It Was* (Cambridge, Mass.: Belknap Press, 1997), 17–23.

remaining sensitive to the fact that the authors of the texts themselves embraced different presuppositions and methodologies when interpreting earlier scriptures.

4. *Structure*

A study of this nature lends itself to a chronological ordering. However, the actual structure used—like the lunar-solar calendar—will be a somewhat imperfect but practical compromise between two different but not entirely contrary systems: chronology and canon.

Accordingly, the next chapter (ch. 2) will contain a survey of ancient Near Eastern precedents or analogues of the jubilee, and a discussion of relevant Pentateuchal legislation that may pre-date Lev 25. The following chapter (ch. 3) will analyze the life-setting (*Sitz-im-Leben*) of the jubilee, as a preface to the rigorous exegesis of the text itself (ch. 4).

This will be followed by chapters on possible allusions to the jubilee in other Pentateuchal texts (ch. 5), the Deuteronomistic History and Jeremiah (ch. 6), and the Latter Prophets (Isaiah and Ezekiel, ch. 7).

Next, the study will take up relevant material from the Writings (2 Chronicles and Daniel, ch. 8). Second Chronicles will be treated first, since Daniel seems to build on concepts present there.

Two subsequent chapters will treat pre-Qumran Second Temple literature (*1 Enoch*, *Jubilees*, and *T. Levi*, ch. 9) and the Qumran documents (ch. 10). A concluding chapter (ch. 11) will synthesize the results of the study, offering an overview of the development of the interpretation of the jubilee from its origins up to the first century C.E., highlighting the different but related uses (legal, chronological, eschatological, messianic) for which the jubilee concept was employed in the course of Israelite and Jewish history.

CHAPTER TWO

ANTECEDENTS OF THE JUBILEE LEGISLATION

1. *Introduction*

The jubilee legislation of Leviticus 25 was not created *ex nihilo*, but drew on religious and judicial practices and principles which were already in existence both in Israel and in surrounding cultures. Understanding these principles and practices facilitates a greater appreciation for the social and theological significance of the jubilee laws.

In this chapter, the antecedents for the jubilee legislation will be examined. The word “antecedents” is used to describe this evidence, because the word “sources” is too strong; it implies that the Levitical legislator had specific texts in front of him from which he drew. Yet only in the case of Exod 23:10–11 is there enough similarity of diction to parts of Lev 25 to posit direct literary dependence. Thus, the analysis of the ancient Near Eastern evidence that follows is meant simply to establish a general context in which to understand the jubilee. The chapter will examine first the ancient Near Eastern antecedents of the jubilee, and second, the biblical antecedents, namely, the slave- and fallow-laws of the Covenant Code.

2. *The Ancient Near Eastern Antecedents of the Jubilee*

The institutions and religion of ancient Israel did not emerge and develop in a vacuum. The land of Canaan formed a buffer zone between major Near Eastern empires in Egypt, Anatolia, and Mesopotamia. Since crucial trade routes between these great civilizations necessarily had to pass through Canaan, it is quite implausible that nascent Israel remained isolated from the greater cultural development of the ancient Near East.

For this reason, many scholars have proposed various Hittite, Egyptian, and Mesopotamian laws and practices as analogous to the Israelite jubilee.¹ To organize the discussion of this material, it is useful to

¹ Classic works on the ancient Near Eastern background of the jubilee include,

note that the jubilee was a (1) *freedom proclamation* concerning (2) *sacred slaves* living in a *sacred precinct*, involving (3) a *festival in the seventh month*, (4) the *fallowing of land*, (5) and the *redemption of inalienable property*, based on a (6) *cyclical calendar of pentecontads* (units of 50). Parallels for each of these six elements may be found in the legal and cultic traditions of the ancient Near East.

2.1. *Freedom Proclamations: Andurarum and Misharum*

Perhaps the most significant ancient Near Eastern analogies to the Jubilee laws—certainly the most discussed—are the royal proclamations of *andurarum*, “freedom” (Sumerian *ama-ar-gi₄*), or *misharum*, “justice” (Akkadian *misharum*), attested among Mesopotamian kingdoms as early as the mid-third millennium B.C.E.² These words have Hebrew cognates: מִשְׁרִים, “evenness, uprightness, equity” (cf. Isa 33:15; Ps. 99:4), and דָּרוֹר, “a flowing; free run, liberty” (cf. Lev 25:10; Isa 61:1; Jer 34:8). Of the two terms, דָּרוֹר, the cognate of *andurarum*, is more significant for present purposes, since it occurs in Lev 25:10.³

in chronological order: Eli Ginzberg, “Studies in the Economics of the Bible,” *JQR* n.s. 22 (1931–32): 343–408, esp. 400–405; Hildegard and Julius Lewy, “The Origin of the Week and the Oldest West Asiatic Calendar,” *HUCA* 17 (1942/43): 1–148; Isaac Mendelsohn, *Slavery in the Ancient Near East* (New York: Oxford University Press, 1949); Robert G. North, *Sociology of the Biblical Jubilee* (AnBib 4; Rome: Pontifical Biblical Institute, 1954); Eduard Neufeld, “Socio-economic Background of *Yōbēl* and *Šmittā*,” *RSO* 33 (1958): 53–124; Julius Lewy, “The Biblical Institution of D'rôr in the Light of Akkadian Documents,” *EI* 5 (1958): 21–31; Reuven Yaron, “A Document of Redemption from Ugarit,” *VT* 10 (1960): 83–90; J. J. Finkelstein, “Ammišaduqa's Edict and the Babylonian ‘Law Codes’,” *JCS* 15 (1961): 127–34; idem, “Some New *Misharum* Material and its Implications,” *AS* 16 (1965): 233–46; Fritz R. Kraus, “Ein Edikt des Königs Samsu-Iluna von Babylon,” *AS* 16 (1965): 225–31; Shmuel Safrai et al., “Sabbatical Year and Jubilee,” *Ej* 14: 574–86; I. Schiffmann, “Die Grundeigentums-verhältnisse in Palästina in der Ersten Hälfte des 1. Jahrtausends v. u. Z.,” in *Wirtschaft und Gesellschaft im Alten Vorderasien* (ed. J. Harmatta and G. Komoróczy; Budapest: Akadémiai Kiadó, 1976), 457–71; Moshe Weinfeld, *Social Justice in Ancient Israel and the Ancient Near East* (Jerusalem: Magnes/Minneapolis: Fortress, 1995). Some scholars suggest the relationship between the biblical legislation and similar institutions in other ancient Near Eastern cultures is minimal: Niels P. Lemche, “*Andurārum* and *Mīšarum*: Comments on the Problem of Social Edicts and their Application in the Ancient Near East,” *JNES* 38 (1979): 11–22; Hannes Olivier, “The Periodicity of the *Mēšarum* Again,” *Text and Context* (ed. W. Claassen; JSOTS 48; Sheffield: JSOT Press, 1988), 227–35.

² The best recent summary of the relevant data can be found in Weinfeld, *Social Justice*, esp. 75–96 and 152–78. The following summary draws on Weinfeld's presentation, although many of Weinfeld's points were previously made by Lewy and Finkelstein.

³ It has been claimed that the loss of the initial *an-* in the Hebrew *derôr* indicates

In ancient Akkadian-speaking culture, the concept of *andurarum* seems to have consisted in freedom from toilsome labor and the leisure to enjoy the pleasures of life. For example, in the Atrahasis epic, at the beginning of time the gods feel overly burdened by the work necessary to produce their own food. They plead with the mother-goddess Mami to create humankind to carry their workload. Mami complies with their request and reports back to the assembly of gods:

Mami made her voice heard
 And spoke to the great gods,
 "I have carried out perfectly
 The work that you ordered of me.
 You have slaughtered a god together with his intelligence.
 I have relieved you of your hard work,
 I have imposed your load on man.
 You have bestowed noise on man,
 You have bestowed noise on mankind.
 I have undone the fetter and granted freedom (*andurarum*)."
 They listened to the speech of hers,
 And were freed from anxiety, and kissed her feet:
 "We used to call you Mami,
 But now your name shall be Mistress of All Gods."⁴

Thus, in the Akkadian worldview, the prototypical establishment of *andurarum* was not for man, but the gods. The freedom and leisure of *andurarum* was associated with the realm of the divine; for mankind to experience *andurarum* would be to participate in the divine life. A certain correspondence with the Hebrew worldview is apparent: the sabbath rest was established primordially for God himself (Gen 2:2–3). When humanity later also rests on the sabbath day, they participate in the divine life (Exod 20:8–10). Likewise, the cycles of sabbatical years and jubilees in Lev 25 allow mankind—and indeed, the land itself—periodically to enjoy the divine rest.

that it was borrowed from Akkadian only in the neo-Assyrian period, when the prefix had been dropped, leaving *durārum* (Lemche, "The Manumission of Slaves—The Fallow Year—The Sabbatical Year—The Jubel Year," *VT* 26 [1976]: 38–59, esp. 56–57; and "Andurārum and Mišarum," 22.) However, a preformative like *an-* is phonetically weak in Semitic languages and subject to assimilation. Other evidence points to an early borrowing of the word (Stephen A. Kaufman, "A Reconstruction of the Social Welfare Systems of Ancient Israel," in *In The Shelter of Elyon* [ed. W. B. Barrick and J. R. Spencer; JSOTSup 31; Sheffield: JSOT Press, 1984], 285 n. 7.)

⁴ Atrahasis Tablet 1, translated by Stephanie Dalley, *Myths from Mesopotamia: Creation, the Flood, Gilgamesh, and Others* (New York: Oxford, 1989), 15–16.

One of the earliest attestations of the royal practice of proclaiming *andurarum* for human beings is found in Inscription #79 of Entemena, King of Lagash (c. 2400 B.C.E.):

He decreed a liberation [*ama-gi₄*, = *andurarum*] for Lagash: He made the children return to the mother, and the mother to the children. He decreed a release of taxable grain-loans . . . For the citizens of Uruk, the citizens of Larsa (and) the citizens of Badtibira he decreed a liberation [*ama-gi₄*]: He returned (them) to Uruk for (the service) of Inanna. He returned (them) to Larsa (for the service of) Utu. He returned (them) to Emuš for (the service of) Lugalemuš.⁵

Here, Entemena claims to have issued a decree annulling personal debts in Lagash and several other cities. Interestingly, the Sumerian word for such an enactment, *ama-ar-gi₄*, translated by the Akkadian *andurarum*, literally means “return to the mother.”⁶ The sense of the term is made explicit above, when Entemena describes “making the children return to the mother” and vice-versa. This is a poetic idiom for the reunification of families broken by the sale of one or more of the members (parent or child) into debt-slavery. This idea of “returning to the mother” bears conceptual analogy to the jubilee mandate to “return” (שׁוּב) to the family-clan (בִּישְׁפָּחָה) and familial inheritance (אֲדָמָה) in Lev 25:10.⁷

The nullification of debts and the concomitant reunification of families seems bound up with the rededication of holy cities (Uruk, Larsa, Badtibira/Emuš) to their patron deities (Inanna, Utu, Lugalemuš). The citizens are released from servitude to human beings in order that they may return to the service of the gods. The concept is similar in Lev 25:42: “For [the Israelites] are my servants, whom I brought forth out of the land of Egypt; they shall not be sold as slaves.”

Several hundred years later, Lipit-Ishtar (c. 1934–1924 B.C.E.), fifth king of the Dynasty of Isin, makes a claim very similar to Entemena’s:

When Anu (and) Enlil had called Lipit-Ishtar . . . to the princship of the land in order to establish justice [*misharum*] in the land . . . and to bring well-being to the Sumerians and Akkadians, then I, Lipit-Ishtar, . . . [estab]lished [jus]tice [*misharum*] in [Su]mer and Akkad in accordance

⁵ My translation of the German provided by Horst Steible, *Die altsumerischen Bau- und Weihinschriften, Teil 1: Inschriften aus ‘Lagash’* (FAOS 5; Weisbaden: Franz Steiner, 1982), 267–70.

⁶ Weinfeld, *Social Justice*, 79.

⁷ Weinfeld, *Social Justice*, 79.

with the word of Enlil. Verily, in those [days] I *procured* . . . the [fre]edom [ama-ar-gi₄ (= *andurârum*)] of the [so]ns and daughters of Ur, [Isin, Sumer, and Akkad] . . . *upon whom* . . . *slavery* . . . *had been imposed* . . . I made the father *support* his children (and) I made the children [*support* their] father; I made the father *sta[nd by hi]s* children (and) I made the children *stand* by their father . . .⁸

Lipit-Ishtar claims to have achieved the emancipation of debt-slaves in the four most important cities of his realm. This was probably accomplished by a decree of nullity of personal debt. The statements about making “a father support his children” and vice-versa parallels the idiom seen above, the “return of the children to the mother,” referring to the reunification of families broken by debt-slavery.

Like Lipit-Ishar and Entemena before him, the famous Hammurabi (c. 1792–1750 B.C.E.) claimed to establish *misharum* for his realm in the introduction to his well-known Code:

When Marduk commissioned me to guide the people aright, to direct the land, I established law and justice [*misharum*] in the language of the land, thereby promoting the welfare of the people.⁹

The Code is actually part of Hammurabi’s purported efforts to establish *misharum*. It includes a provision for the periodic release of slaves similar to Exod 21:1–6 and Deut 15:12–18:

117: If an obligation came due against a seignior [*awîlum*] and he sold (the services of) his wife, his son, or his daughter, or he has been bound over to service, they shall work (in) the house of their purchaser of oblige for three years, with their freedom reestablished in the fourth year.¹⁰

Here, like the biblical texts and unlike the decrees of *misharum* and *anduratum*, the promised freedom for slaves or indentured servants is not dependent on a royal decree, but occurred automatically after the completion of a set period of time.

The texts from Entemena, Lipit-Ishtar, and Hammurabi are some of the oldest *witnesses* to Mesopotamian freedom proclamations, but they are not the texts of the proclamations themselves. Many other textual witness have been recovered from different Mesopotamian sites (Babylon, Nippur, Sippar, Mari, Hana) in the Old Babylonian period

⁸ *ANET*, 159b.

⁹ Code of Hammurabi, Prologue, Tablet V, lns. 10–20 (*ANET*, 165b).

¹⁰ *ANET*, 170b–71a.

(c. 2004–1600 B.C.E.),¹¹ and several from the Neo-Assyrian and Neo-Babylonian periods (c. 750–550 B.C.E.).¹² However, there are only two extant examples of the actual text of a decree: that of Ammisaduqa (1646–1626 B.C.E.)¹³ and Samsuiluna (1749–1712 B.C.E.),¹⁴ the latter being quite fragmentary.

The Edict of Ammisaduqa (c. 1645 B.C.E.) mandates the forgiveness of back taxes, personal (but not commercial) loans, and the release of debt-slaves among various segments of the population.¹⁵ The following are some relevant passages:

1: (Text C). The tablet [of the decree] which the land was ordered to hear at the time that the king invoked a *misharum* for the land.

2: (5) The arrears of the farming agents, the shepherds, the *šusikku*- (agents) of the provinces, and (other) crown tributaries—the . . . of their *firm agreements* and the *promissory notes* . . . of their payments are herewith remitted. (10) The collecting officer may not sue the crown tributary for payment.

3: The “market” of Babylon, the “markets” of the country(side), the *ra’ibānum*-officer, which in the . . . tablet, are . . . to the collecting officer— (15) their arrears dating from the “Year in which King Ammiditana remitted the debts which the land had contracted (= year 21 of Ammiditana)” until the month of Nisan of the “Year: Ammisaduqa the King . . . instituted justice for the whole of his people (= year 1 of Ammisaduqa)” —because the king has invoked the *misharum* for the land, (25) the collecting officer may not sue the [. . .] for payment.

4: Whoever has given barley or silver to an Akkadian or an Amorite as an interest-bearing loan, or on the *melqētum* basis (30) [or . . .], and

¹¹ See the listing of the seventeen known decrees from Hammurabi to Ammisaduqa in Kraus, “Ein Edikt,” 229. Approximately twenty proclamations of *misharum* and/or *andurarum* are known to have taken place from inscriptions dated with a formula such as: “Year in which King X established *misharum/andurarum* in the land” (see Cristina Simonetti, “Die Nachlaßedikte in Mesopotamien und im antiken Syrien,” in *Das Jubeljahr im Wandel: Untersuchungen zu Erlaßjahr- und Jubeljahrtexten aus vier Jahrtausenden* [ed. G. Scheuermann; FB 94; Würzburg: Echter, 2000], 30–32).

¹² Attestation in between these periods is somewhat scanty (Simonetti, “Nachlaßedikte,” 6; Lemche, “*Andurārum* and *Mīšarum*,” 20–21; and Weinfeld, *Social Justice*, 93–95). Lemche suggests that the references to *andurārum* in the neo-Assyrian period may refer to individual manumissions and not royal decrees as practiced in the Old Babylonian period, but contracts from this period which include provisions in case “the king should establish an *andurārum*” clearly indicate that *andurārum* continued to be used to refer to royal edicts (see Weinfeld, *Social Justice*, 94).

¹³ *ANET*, 526–28.

¹⁴ See Kraus, *Ein Edikt*.

¹⁵ See also the prologue to the Lipit-Ishtar Lawcode (*ANET*, 159b) in which Lipit-Ishtar boasts of having procured the freedom of the sons and daughters of Sumer and Akkad upon whom slavery had been imposed.

had a document executed—because the king has invoked the *misharum* for the land, his document is voided; (35) (Text C) he may not collect the barley or silver on the basis of his document.

5: . . . (55) A creditor may not sue against the house of an Akkadian or an Amorite for whatever he had loaned him; should he sue for payment, he shall die.

...

20: (25) If an obligation has resulted in foreclosure against a citizen of Numhia, a citizen of Emutbalum, a citizen of Idamaras, a citizen of Uruk, a citizen of Isin, a citizen of Kisurra, or a citizen of Malgium, (in consequence of which) he [placed] his own person, his wife (30) or his [children] in debt servitude for silver, or as a pledge—because the king has instituted the *misharum* in the land, he is released; his freedom (35) is in effect.

The king remits most back taxes (§§2–3) and personal debts (§§4–5). As a result, debt-slaves in cities affected by the decree are emancipated (§20). Just as the jubilee legislation is limited in its application to Israelites (Lev 25:41–42, 46, 54–55), so the Babylonian legislation is ethnically limited to Amorites and Akkadians (§§4–5) and the citizens of certain cities (§20).¹⁶

Although the release of sold or mortgaged land is not specifically mentioned, it may be assumed that such lands returned to their original owners upon the cancellation of personal debt. Extant documents prove this was the case. A tablet from the reign of Samsuiluna of Babylon (1749–1712 B.C.E.) or his predecessor, recording a prayer for justice to an unknown deity, relates the following:

(1–2) When my lord raised high the Golden Torch for Sippar, (3) instituting the *misharum* for Shamash who loves him, (and) (4–6) convened in Sippar Taribatum the “Secretary of Infantry,” the judges of Babylon and the judges of Sippar, (7) they (re)viewed the cases of the citizens of Sippar, (8) “heard” the tablets of purchase of field, house, and orchard (9) (and) ordered broken those (in which the land was) to be released by (the terms of) the *misharum* [*ina mišarum wašia*].¹⁷

Several significant points concerning the edicts of *misharum* or *andurarum* may be gleaned from this important tablet. First, it is incontrovertible evidence that land was returned in the *misharum* acts, which is a logical consequence of the nullification of debts for which land had been mortgaged, but which is not explicitly mentioned in the most

¹⁶ *ANET*, 526–27, §§4, 6, 8, 9.

¹⁷ Translation is that of Finkelstein, “New *Misharum* Material,” 241.

substantial text of a *misharum* extant, i.e. that of Ammisaduqa. Secondly, the way in which property is said “to go out in the *misharum*,” (*i-na mi-ša-ri wa-ši-a*) is strikingly similar to the biblical statement that property “shall go out in the jubilee” (ויצא בִּיבֻל, Lev 25:28).¹⁸ Thirdly, the fact that the *misharum* act was publicly announced by the raising of a ceremonial torch seems to be the functional equivalent of the blowing of the shofar to proclaim the jubilee (Lev 25:9).¹⁹

Texts from fifteenth-century Nuzi attest that royal proclamations (*šudutu*) of freedom (*andurarum*) took place there as well, being customarily proclaimed in the temple city (*al ilani*) in the festival month. Two documents speak of mortgaged property being released “by decree of the king, in the month of Kinunatu (= Nisan), in the city of the gods.”²⁰ This and other evidence point to the fact that such proclamations—like the jubilee—were not just civil but also religious and cultic acts, emanating from sacred space at sacred times.²¹

It has been claimed that the *misharum* or *andurarum* edicts occurred at regular intervals,²² but this has not been substantiated.²³ The extant evidence for the Old Babylonian period seems to indicate that a *misharum* was customarily proclaimed in the monarch’s second regnal year and thereafter at his discretion—in one instance only four years separated *misharum* decrees. Thus they occurred periodically, but unpredictably. The regular, cyclical occurrence of the biblical jubilee and sabbatical year are not an imitation of Mesopotamian practice. The biblical decrees also seem aimed to effect a wider segment of the populace than the Mesopotamian decrees. Therefore, the biblical jubilee and sabbatical year are not simply Israelite *misharum* decrees.²⁴ Nonetheless, the conceptual parallels should be obvious.

¹⁸ Finkelstein, “New *Misharum* Material,” 237; Weinfeld, “Social and Cultic Institutions in the Priestly Source Against Their Ancient Near Eastern Background,” in *Proceedings of the Eighth World Congress of Jewish Studies* (Jerusalem: Perry Foundation, 1983), 95–129; Jacob Milgrom, *Leviticus 23–27* (AB 3b; New York: Doubleday, 2001), 2197.

¹⁹ Finkelstein, “New *Misharum* Material,” 236.

²⁰ Weinfeld, *Social Justice*, 93–94. The Edict of Ammišaduqa also appears to have been proclaimed in Nisan (*ANET*, 526, §3).

²¹ See BM 80328, line 3, in Finkelstein, “New *Misharum* Material,” 233 (Akkadian) and 236 (translation). The *misharum* decree is an act of piety directed to the god Shamash. Ammišaduqa is “like Shamash” when he establishes *misharum* (see *ANET*, 526, §3).

²² So Finkelstein, “New *Misharum* Material,” 243–46, and Weinfeld, *Social Justice*, 175.

²³ Kraus, “Ein Edikt,” 230; and Olivier, “*Mšarum* Again.”

²⁴ See the warnings of Lemche, “*Andurārum* and *Mšarum*,” 22; and Olivier, “*Mšarum* Again,” 232.

2.2. *Cities and their Environs Dedicated to a God*

Although it has not attracted nearly as much attention as the *misharum* and *andurarum* texts, there existed another ancient Near Eastern practice with close conceptual parallels to the jubilee legislation: the liberation of holy cities.

Scholarship is indebted to Moshe Weinfeld for pointing out the pertinence of the ancient Near Eastern institution of *kiddinutu* to certain biblical materials.²⁵ *Kiddinutu* is the Akkadian word for the special rights of a temple city, derived from the *kiddinu*, a pole or stela placed at the gate of the city specifying the rights of the inhabitants.²⁶

There is a close relationship between the establishment of the *kiddinutu* of a holy city and the declarations of *misharum* and *andurarum*. The texts of the *misharum/andurarum* edicts cited above often focus on the alleviation of economic oppression within certain cities consecrated to a patron deity. This may have been done out of respect for the *kiddinutu*, that is, the traditional rights and privileges, of these holy cities. The difference between an act of *misharum* or *andurarum* and the establishment of *kiddinutu* lies in this: an edict of *misharum* or *andurarum* annuls economic injustices that have already taken place and restores social justice and equity; the proclamation of *kiddinutu* for a city establishes protection for the citizens against socio-economic abuses henceforth. Thus, one is oriented to the past, the other to the future.

Beginning at least in the mid-third millennium B.C.E.²⁷ and extending through Hellenistic times,²⁸ it was common for kings of Egypt,²⁹

²⁵ Weinfeld, *Social Justice*, 97–132 and 231–47. Weinfeld draws on David Daube, *The Exodus Pattern in the Bible* (London: Faber and Faber, 1963).

²⁶ Weinfeld, *Social Justice*, 102.

²⁷ See the inscription of Enmetena, Prince of Lagash (c. 2430 B.C.E.) who boasts of liberating Uruk, Larsa, and Patibira and dedicating them to the goddess Inanna, in Dietz O. Edzard, “‘Soziale Reformen’ in Zweistromland,” in *Wirtschaft und Gesellschaft im Alten Vorderasien* (ed. J. Harmatta and G. Komoróczy; Budapest: Akadémiai Kiadó, 1976), 146 n. 7.

²⁸ Strabo, *Geographica* XII, 2, 3; XII, 3, 31 & 37.

²⁹ See the stela of the Min temple gate in Coptos erected by Pepi II of the sixth dynasty (late third millennium B.C.E.) in Hans Goedicke, *Königliche Dokumente aus dem alten Reich* (Weisbaden: Harrassowitz, 1967), 88. Unlike the rest of the ancient Near East, in Egypt it was usually the temple estate and not the entire temple city that received special privileges. However, Rameses III dedicated cities to Amon, including nine cities in Canaan (*ANET*, 260–61).

Anatolia,³⁰ and Mesopotamia³¹ to dedicate or rededicate temple cities (in Anatolia and Mesopotamia) or estates (in Egypt) entirely to the service of a god. This entailed freeing the inhabitants from all civil obligations such as taxes, military duty, and corvée, and from forms of slavery.

One of the earliest examples of the establishment of *kiddinutu* is a document regarding the sanctification of the “stone house” mausoleum and its environs by Queen Eshmunikal of Hatti (14th cent. B.C.E.):

Thus says Eshmunikal, the great queen: This is what we have devoted to the stone house: the villages and their workers: . . . farmers, cattleherds, shepherds . . . gatekeepers . . . (all these) are exempt from tax and burden. A barking dog that enters there shall be silent . . . In front of [the villages] a pole shall be erected, and they shall not be taken for forced labor. Cattle and sheep shall not be taken from them, and they shall be free . . . The men of the stone house shall marry women. But they shall not give their young men and women to marry outside. No field, orchard, garden or vineyard . . . no men of the house shall be bought.³²

In view of their consecration to the sacred site, the villagers surrounding the stone house enjoyed several privileges: freedom from taxes, forced labor, and confiscation of property. Since they are consecrated, neither land nor persons may be bought or sold (cf. Lev 25:23, 42). In order to avoid the procreation of children whose legal status and inheritance rights would be ambiguous, citizens of the consecrated precinct are required to practice endogamy (cf. Num 36).

Another example of the establishment of *kiddinutu* can be found in the legal collection known as the Hittite Laws (c. 1650–1500):

§50: The *people* who live in Nerik, in Arinna (and) in Ziplanta, (and) the priests in every town—their houses (shall be) exempt [i.e. from services

³⁰ See Hittite Laws §50–51 (*ANET*, 191). Hattushili I (sixteenth century B.C.E.) boasts he conquered Hahum, freed all the slaves, and dedicated them to the sun goddess (Aharon Kempinski, *The Children of Heth: Hittite Historical Texts from the Pre-Imperial Age* [Sources from the Ancient Near East I; Beer-Sheba: Ben-Gurion University of the Negev, 1980]: 13–20 [Hebrew]). See also the document regarding the sanctification of the “stone house” mausoleum by Queen Eshmunikal (fourteenth century B.C.E.) in Heinrich Otten, *Hethitischen Totenrituale* (Berlin: Akademie Verlag, 1958), 106. The latter is interesting because the agricultural land and workers attached to the “stone house” are explicitly forbidden to be bought or sold.

³¹ King Manishtushu (22nd B.C.E.) boasts of having liberated 38 cities from civil obligations in order to serve the god Shamash alone. See E. Sollberger, “The Cruciform Monument,” *JEOL* 20 (1967–68): 50, 121.

³² Translated by Weinfeld (*Social Justice*, 105).

to the government]. But their associates shall render the services. The house of a man who stays in Arinna for 11 months, and he at whose gate an *eyan*-pole is erected, (shall be) free.³³

In addition to enjoying special privileges, these cities seem to have functioned as places of asylum, where criminals or the accused could find varying degrees of protection.³⁴ This seems to be the meaning of the promise that anyone who resides in Arinna for over eleven months becomes "free."

Several examples of the proclamation of *kiddinutu* are extant from the Neo-Assyrian and Neo-Babylonian periods. One of the most extensive comes from the reign of Esarhaddon (681–669 B.C.E.):

I reestablished liberation for the enslaved Babylonians, the people of the *kidinnu* who were liberated by order of the gods Anu and Enlil. Those who were sold and carried off into slavery and distributed among the masses, I gathered them and counted them among the Babylonians. I returned their captured property; I clothed the naked and sent them on the road of Babylon . . . the *kidinnu* right which was cancelled and stolen from them, I returned to its place, and I rewrote their tablet of rights.

I Esarhaddon . . . establish the *kidinnūtu* of Baltil and institute the *šubarrū* of Nippur, Babylon, Borsippa, and Sippar; I pay the damages due their residents, I gather the residents of Babylon who are dispersed, and settle them a restful settlement.³⁵

Here we see the emancipation of slaves and the restoration of property in view of the sacred rights of the citizens, which had been violated. The thematic parallels with the jubilee are clear. Any form of burden or oppression of citizens of temple cities was regarded as an offense against the god whose servants they were, and could provoke the retributive action of the god.³⁶ Thus, Esarhaddon considered it an act of piety to restore those rights and liberate the citizens. Merodach Baladan and Sennacharib made very similar claims to have restored the freedoms of various holy cities.³⁷

³³ Hittite Laws §50 (*ANET*, 191b).

³⁴ See Leroy Waterman, *Royal Correspondence of the Assyrian Empire*, vol. 2 (Ann Arbor: University of Michigan Press, 1930) no. 878, obv. 8–11: "Since Babylon is the center of the lands, all who enter it, his protection is assured." Also Weinfeld, *Social Justice*, 106–7, 120–32.

³⁵ From Weinfeld, *Social Justice*, 109.

³⁶ Weinfeld, *Social Justice*, 81.

³⁷ See the stela of Merodach Baladan and the inscriptions of Esarhaddon cited in Weinfeld, *Social Justice*, 45–109.

In the biblical narratives of the Exodus, the people of Israel are liberated from their obligations to Pharaoh in order to be entirely devoted to the service of YHWH.³⁸ It is forbidden to enslave them, since they are already “slaves” of God (Lev 25:42). Likewise, the land—distributed equitably among them (Num 32, 34–36, Josh 13–21)—is holy and cannot be alienated (Lev 25:23). An institution is put in place to ensure that displaced citizens are eventually returned to their family and the possession of their inheritance (Lev 25:10). They are sacred slaves, *hierodoules* (Exod 19:6).

Thus, there are general analogies between the ancient Near Eastern custom of liberation of cities and their dedication to a god and the biblical account of the exodus and settlement, of which Lev 25 is an important part.³⁹ Moreover, the institution of the Levitical cities (Lev 25:32–34) is a more specific parallel to the general phenomenon of temple cities and sacred precincts throughout the ancient Near East. Within these cities the Levites have special redemption rights, and their grazing lands cannot be sold even temporarily (Lev 25:32–34).

2.3. *Festivals of the Seventh Month*

The significance of the association of the jubilee with the Day of Atonement (Purgation) on the tenth day of the seventh month should not go unnoticed (Lev 25:9). The first and seventh months, which marked the equinoxes, were festival months in most cultures throughout the ancient Near East:

This concept of a six-month equinox year was a major factor in the establishment of the cultic calendar throughout the Near East. In many locations there were parallel major festivals in the first and seventh month—suggesting that rather than considering one of these festivals as marking the beginning and the other the half-way point of the year,

³⁸ Cf. Weinfeld, *Social Justice*, 92: “Hatushili I, the Hittite king (mid-16th century B.C.E.), tells in his annals that after he conquered the city of Hahum he removed the hands of the slavewomen from the millstone, removed the hands of the slaves from labor, untied their bonds, installed them in the temple of the sun goddess, and gave them their liberty (*ama-ar-gi*, = *andurarum*) under heaven.”

³⁹ See Norman C. Habel, “Land as Sabbath Bound: An Agrarian Ideology,” in *The Land is Mine: Six Biblical Land Ideologies* (Minneapolis: Fortress Press, 1995), 97–114, esp. 100–101, where Habel argues that the conceptual model of the jubilee is the ancient Near Eastern concept of the deity owning the land of his abode, i.e. the temple city and its outlying lands.

the ancients viewed each as a beginning, the onset of this 6-month equinox year. . . .⁴⁰

The ancient Hebrews recognized the significance of this cycle, referring to the equinoxes, the times when the year turns, as *t^eqūfat haššānā* (Exodus 34:22) . . . (the autumnal equinox) . . . and as *t^ešūbat haššānā* (2 Samuel 11:1) . . . (the vernal equinox). The Israelite incorporation of this six-month cycle into its ritual can further be detected in the duration and timing of the festival of the first month, the Feast of Unleavened Bread, and the festival of the seventh month, the Feast of Ingathering.⁴¹

Although there was a balance between the first and seventh month, often the latter overshadowed the former in significance.⁴²

Of some significance for *yom kippur* and the jubilee is the *akītu* festival. This festival, celebrated in the first and seventh months, was widespread throughout Mesopotamia from the mid-third millennium B.C.E. through Hellenistic times, and concerned the ritual re-entry of the patron deity into his or her city.⁴³ The rituals included the purification/purgation of the temple, the enthronement of the deity, and ceremonial acts of "justice" by which the deity asserted his authority over the city. In at least some cities, the high priest dragged the king before the deity, where he was made to prostrate himself and give account for his administration of affairs both of the cult and of social justice.⁴⁴

The nature of the *akītu* festival is yet another indication that in ancient Near Eastern societies there was not a divorce between cult and (social) ethics.⁴⁵ It is suggested therefore that there is nothing arbitrary about the proclamation of the jubilee on *yom kippur*; on the contrary, there may be the most intimate conceptual relationship between the purgation of the temple and the restoration of social justice in Israel. While we do not have any explicit evidence that *yom kippur* was related to an enthronement of YHWH,⁴⁶ it may be argued

⁴⁰ Mark E. Cohen, *The Cultic Calendars of the Ancient Near East* (Bethesda, MD: CDL Press, 1993): 400–401.

⁴¹ Cohen, *Cultic Calendars*, 400.

⁴² Cohen, *Cultic Calendars*, 402, 411.

⁴³ On this and the following, see Cohen, *Cultic Calendars*, 400–453.

⁴⁴ See the New Year's Festival of Babylon originally published in François Thureau-Dangin, *Rituels accadiens* (Paris: E. Leroux, 1921), 127–30, translated in Cohen, *Cultic Calendars*, 441–50.

⁴⁵ See discussion in Milgrom, *Leviticus 1–16* (AB 3; New York: Doubleday, 1991), 21–24.

⁴⁶ The hypothesis that Israel had an enthronement festival similar to surrounding

that *yom kippur* does suggest some sort of re-assertion or renewal of YHWH's presence in the tabernacle/temple, and therefore also his rule as King over Israel.

The presence of uncleanness in the tabernacle/temple was understood to prevent or impede YHWH from inhabiting it;⁴⁷ thus, the necessity of periodic purgations and—quintessentially—*yom kippur*. If therefore *yom kippur* removes that which drives YHWH away from the sanctuary and thus his people, there must have existed a sense that following *yom kippur*, the presence of YHWH among his people had been renewed in a particular way. Inasmuch as the renewal or re-assertion of a (divine or human) king's rule was associated with the re-establishment of “freedom” (*andurarum*) and “social justice” (*misharum*) for the populace throughout the ancient Near East, *yom kippur* offered an attractive occasion in the cultic calendar of Israel for the proclamation of the jubilee.⁴⁸

2.4. *Fallow Laws*

The claim has been made that the fallow year stipulations (Lev 25: 1–7, 20–22) betray the lateness of the text, since the ancients did not know about the agricultural benefits of fallow periods. It has since been pointed out that ignorance of the agricultural necessity of fallow cycles would have resulted in soil exhaustion and mass starvation in

nations was first suggested by Sigmund Mowinckel (*Psalmstudien II: Das Thronbesteigungsfest Jahwäs und der Ursprung der Eschatologie* [Skifter utgit av Videnskapsselskapets i Kristiania, Historisk-Filosofisk Klasse 6; Kristiania: Dybwad, 1922]). It has not been disproven, but has largely fallen out of fashion in modern research due to a lack of direct evidence. See Hans-Joachim Kraus, *Die Königsherrschaft Gottes im Alten Testament: Untersuchungen zu den Liedern von Jahwes Thronbesteigung* (BHT 13; Tübingen: JCB Mohr, 1951); John Gray, *The Biblical Doctrine of the Reign of God* (Edinburgh: T & T Clark, 1979); Karel van der Toorn, “The Babylonian New Year Festival: New Insights from the Cuneiform Texts and their Bearing on Old Testament Study,” in *Congress Volume, Leuven 1989* (ed. J. A. Emerton; VTSup 43; Leiden: Brill, 1991); Allan R. Petersen, *The Royal God: Enthronement Festivals in Ancient Israel and Ugarit?* (JSOTSup 259; Copenhagen International Seminar 5; Sheffield: JSOT Press, 1998); and Theodore J. Lewis, review of A. R. Petersen, *The Royal God: Enthronement Festivals in Ancient Israel and Ugarit?*, *BASOR* 317 (2000): 84–85.

⁴⁷ See Milgrom, “Israel’s Sanctuary: The Priestly ‘Picture of Dorian Gray’,” *RB* 83 (1983): 390–99.

⁴⁸ See Jonathan D. Safren, “Jubilee and the Day of Atonement,” in *Proceedings of the 12th World Congress of Jewish Studies, Division A: The Bible and Its World* (ed. Ron Margolin; Jerusalem: World Union of Jewish Studies, 1999): 107*–13*, esp. 112*–13*, who argues that *yom kippur* was the tenth and final day of an ancient Israelite New Year festival, on which it was appropriate to proclaim a “release.”

a short period of time, scarcely the multiple-millennia duration of ancient Near Eastern civilizations.⁴⁹ Moreover, knowledge of the need for fallow periods in the ancient Near East has been explicitly confirmed by certain texts:⁵⁰

If anyone holds field (and) fallow as a gift from the king and if the king exempts him, he shall not render the services—if anyone buys all the field (and) fallow of a craftsman and the owner of the field (and) fallow perishes, he shall perform the socage which the king imposes upon him.⁵¹

Furthermore, “in many neo-Assyrian documents dealing with the sale of fields, a paragraph is included which states that the buyer shall eat the yield of the field both in years of plowing and of *lying fallow* (*mêrêshe u karaphê*) . . .”⁵² Interestingly, the biblical text also speaks of eating the produce of the land during fallow years (Lev 25:6–7, 12).

2.5. *Inalienability of Land and Redemption of Land and Persons*

The principle of the inalienability of patrimonial (inherited) land was widespread in ancient Near Eastern societies.⁵³ An important and often overlooked factor in land inalienability was the presence of family graves on patrimonial property, which could not be tended, venerated, or given proper religious rites if the land was alienated.⁵⁴

The data cited above concerning proclamations of *andurarum* and *misharum* attest to the concept of the inalienability of inherited land.

⁴⁹ See discussion in Milgrom, *Leviticus 23–27*, 2248–50, and literature cited therein.

⁵⁰ See D. Opitz, “Eine Form der Ackerbestellung in Assyrien,” *ZA* 37 n.f. 3 (1927): 104–6; cited in Gnana Robinson, “Das Jobel Jahr,” in *Ernten was man sät: Festschrift für Klaus Koch zu seinem 65. Geburtstag* (ed. D. R. Daniels, U. Glessmer, and M. Rösel; Neukirchen-Vluyn: Neukirchener Verlag, 1991), 483. See also Neufeld, “Socio-Economic Background,” 57, citing Michael Schnebel et al., *Die Landwirtschaft im hellenistischen Ägypten* (Munich: Beck, 1925), 220; and “The Hittite Laws,” §§6, 46–47, (*ANET*, 189a, 191a–b).

⁵¹ Hittite Laws §47 (*ANET*, 191b).

⁵² Weinfeld, *Social Justice*, 95; citing Josef Kohler & Arthur Ungnad, *Assyrische Rechtsurkunden in Umschrift und Übersetzung* (Leipzig: E. Pfeiffer, 1913) no. 40, pp. 144–46; and J. Nicholas Postgate, *Fifty Neo-Assyrian Legal Documents* (Warminster, Eng.: Aris & Phillips, 1976), 30.

⁵³ See Ginzberg, “Studies,” 243–408, esp. 369–73. Ginzberg cites examples of law or custom forbidding alienation of patrimonial land from ancient Arabia, Babylon, Sparta, and even Germany.

⁵⁴ See Ginzberg, “Studies,” 370, n. 37. This author is in agreement with Ginzberg that the connection between land tenure and ancestral tombs/graves has not received sufficient emphasis. See more recently Karel van der Toorn, *Family Religion in Babylon, Syria, and Israel* (Studies in the History and Culture of the Ancient Near East 7; Leiden: Brill, 1996), 183–235, esp. 199, 211, 225, 235.

Another commonly cited example of the resistance to land alienation is the land-tenure system at Nuzi, where sale of land outside the family unit was strictly forbidden, necessitating a fictive “adoption”—in which the seller “adopted” the buyer as heir—in order to transfer real estate:⁵⁵

The tablet of adoption belonging to Kuzu, the son of Karmishe: he adopted Tehip-tilla, the son of Puhi-shenni. As his share (of the estate) Kuzu gave Tehip-tilla 40 imers of land in the district of Iphushshi. If the land should have a claimant, Kuzu will clear (it) and give (it) back to Tehip-tilla. Tehip-tilla in turn gave 1 mina of silver to Kuzu as his honorarium.⁵⁶

This Tehip-tilla was apparently something of a land-baron, since over one hundred records of his “adoption” by different “fathers” have been found. Clearly his activities contravened the intent of the laws and customs forbidding the alienation of familial property.

Nuzi is not the only site to produce evidence of the resistance to property alienation. Land sale contracts from Hana (18th cent. B.C.E.) occasionally include clauses specifying that the land will not return to the owner in the event of an *andurarum*, revealing that in most cases such a return would have been effected.⁵⁷ Other Old Babylonian contracts show that land could be redeemed by the original owner even after having been sold more than once.⁵⁸ The Laws of Eshnunna §39 demonstrate that the owner of a house retained the right of redemption perhaps indefinitely:⁵⁹

39: If a man is hard up and sells his house, the owner of the house shall (be entitled to) redeem (it) whenever the purchaser (re)sells it.

A document of redemption from Ugarit seems to indicate that the inalienability of land was held in principle in Canaan as well:⁶⁰

From today *Iwr-kl* has ransomed *Agdn*, son of . . . , and *Ynhm*, his brother, and *B'ln*, his brother, and *Httn*, his son, and *Btšy*, his daughter, and *Ištrmy*, daughter of *'bdmlk*, and *Snt*, daughter of Ugarit. And he, *Iwr-kl*, has ransomed them for 100 (shekels of) silver from the hand of the

⁵⁵ Moshe Greenberg, “Jubilee,” *EncJud* 14: 577–78; Francis R. Steele, *Nuzi Real Estate Transactions* (New Haven: American Oriental Society, 1943), 14–15.

⁵⁶ A sale-adoption tablet from Nuzi, c. mid-second millennium B.C.E. (*ANET*, 219b).

⁵⁷ See Lewy, “The Biblical Institution of *Drôr*,” 26–27.

⁵⁸ Finkelstein, “New *Misharum* Material,” 242.

⁵⁹ *ANET*, 163. Cf. *COS*, 2:334, which gives an essentially synonymous translation.

⁶⁰ Yaron, “Document of Redemption,” 83–90.

Beyrouthians. An estate they do not have, until they repay the silver of *Iwr-kl*. And (then) they will return to their estate.

It seems the individuals mentioned have been redeemed from debt-slavery. Their redeemer, however, seems to retain possession of their (real) estate until they have repaid their purchase price. Interestingly, however, their estate never becomes the permanent property of either the “Beyrouthians” or *Iwr-kl* their redeemer. It always remains to be returned to them once their debt has been paid off.

These data support the claim that in the cultures surrounding ancient Israel there were attitudes which “amounted essentially to a resistance in principle to the alienation of patrimonial land.”⁶¹

2.6. *Pentecontad Calendars*

Over sixty years ago Hildegard and Julius Lewy published a monograph-length article demonstrating the use of calendars based on multiples of fifty days among the Amorites (western Semites) of the ancient Near East.⁶² The Lewys pointed out that many Amorite documents from as early as the middle of the third millennium B.C.E. calculated time based not only on days, months, and years, but also by seasons of fifty days. The number fifty seemed derived from a set of seven weeks (49 days) plus 1 day to make a round number. This fifty-day period, known as a *hamšutum*, is attested in the following excerpts of Old Assyrian (c. 2000–1600 B.C.E.) financial documents:

2 minas of purified silver has A (the creditor) upon B (the debtor). (Reckoning) from the month of *sub'um* (inclusive) within 11 pentecontads (*hamšatum*) he shall pay.⁶³

(It was in) the pentecontad (*hamuštum*) of plucking that Aššuri-enum the son of Āa made them (in the) gate of the magazine.⁶⁴

The ancient Amorite year seems to have consisted of seven pentecontads (350 days) plus an intercalary period of varying length called a *šappatum*.⁶⁵ Each of the pentecontads was associated with the predominant agricultural activity during its duration, e.g. the “pentecontad of first-fruits” or the “pentecontad of figs (i.e. fig harvesting).”⁶⁶

⁶¹ Finkelstein, “New Misharum Material,” 241.

⁶² Hildegard and Julius Lewy, “The Origin of the Week and the Oldest West Asiatic Calendar,” *HUCA* 17 (1942/43): 1–152.

⁶³ Lewys, “Origin of the Week,” 49.

⁶⁴ Lewys, “Origin of the Week,” 54.

⁶⁵ Lewys, “Origin of the Week,” 51.

⁶⁶ Lewys, “Origin of the Week,” 53.

Fifty of these pentecontad periods (with the periodic intercalary *šappatum*) would equal seven and one-seventh ($7\frac{1}{7}$) years. Seven of these units, in turn, would comprise fifty years. The Lewys argue that, in fact, Amorite societies made use of seven- and fifty-year periods built up from multiples of pentecontads (*hamšâtum*).⁶⁷ Unfortunately, the Akkadian literary evidence they produce to support this claim is too indirect to be conclusive. Nonetheless, it would have been an easy and inviting conceptual move to extrapolate from an annual calendar comprised of weeks and pentecontads of days to a superannual calendar built of weeks and pentecontads of years. This is in fact what the Levitical legislature seems to have done. The sabbatical-year cycle is an extrapolation of the seven-day week, and scholars have long recognized that the calculation of the jubilee (Lev 25:8–10) is based upon the pentecontad of the Feast of Weeks (Lev 23:15–17).⁶⁸

15 And from the day on which you bring the sheaf of elevation offering—the day after the sabbath—you shall count off seven weeks. They must be complete: 16 you must count until the day after the seventh week—fifty days; then you shall bring an offering of new grain to the LORD.

The Lewys argue, quite reasonably, that the period of seven weeks between First Fruits and the Feast of Weeks is a vestige of this ancient Amorite agricultural calendar of pentecontads.⁶⁹ Even if they have not quite proven that this pattern was extrapolated to units of years in other ancient Near Eastern cultures, it seems to have been in Israel.

2.7. *Summary of the Ancient Near Eastern Antecedents of the Jubilee*

Although there are no known ancient Near Eastern institutions identical to the Israelite jubilee in all its particulars, it has been seen above that each of the individual elements of the jubilee legislation has analogues and antecedents in ancient Near Eastern societies much older than Israel herself. This evidence casts the laws of Lev 25 in a new light.

The author(s) of Leviticus 25 seem to have regarded Israel and her land as a sacred precinct, on the analogy of an ancient Near Eastern

⁶⁷ Lewys, “Origin of the Week,” 69–76.

⁶⁸ See Julius Wellhausen, *Prolegomena to the History of Israel* (trans. J. S. Black and A. Enzies; Edinburgh: T&T Clark, 1885), 118–19; and *Sifra Emor* 12,8.

⁶⁹ Lewys, “Origin of the Week,” 78.

temple city. As citizens of a sacred precinct and slaves devoted to a patron deity, the LORD, the Israelites were to enjoy special rights, similar to the Mesopotamian institution of *kiddinutu*. Their land could not be alienated and their persons could not be reduced to true slavery, only to a form of indentured servanthood. Release from this mitigated-but-still-undesirable status was always available through a familial *go'el*, redeemer. Failing this, the legislator(s) provided the kingless Israelite society with a periodic decree of *andurarum*, which would cancel debts, free servants, and restore familial lands on a calendrical cycle based on the sacred number seven. This decree of *andurarum* was to be proclaimed during the seventh month, the customary month of festivals, during the annual rite of renewal of the people's relationship with their divine monarch (i.e. *yom kippur*).

3. *Biblical Antecedents: The Covenant Code*

Having examined the pertinent extra-biblical evidence for the elucidation of the jubilee legislation, it is appropriate to turn to the jubilee's biblical sources, for which there are two candidates: the Covenant Code ("C"; Exod 21:1–11) and the Deuteronomic Code ("D"; Deut 15:1–11).

It is almost universally assumed that C precedes the Holiness Code ("H") of which Lev 25 is a part, and therefore Exod 21:1–11 and 23:10 are probably sources for the latter. This assumption will be accepted here.

Excursus: Van Seter's Late Dating of the Covenant Code

The most prominent dissenter to the consensus that C is earlier than D and H is John Van Seters. Van Seters compares the "laws of the Hebrew slave" in D (Deut 15:12–18), H (Lev 25:8–55), and C (Exod 21:1–7), and concludes that the line of influence is D → H → C.⁷⁰ Van Seters makes several valuable observations about the character of the different laws, such as that "the situations envisaged in Ex 21,2–6 and 7–11 are actually quite different from that of Deuteronomy and HC [Holiness Code], and it is a mistake to try to interpret them as if they were the same."⁷¹ However, Van Seters himself does not completely avoid making this mistake. For example, he assumes "Hebrew" (C and D) is identical in meaning to "Israelite" (H), and makes nothing

⁷⁰ John Van Seters, "The Law of the Hebrew Slave," *JAW* 108 (1996): 534–46.

⁷¹ Van Seters, "Hebrew Slave," 538.

of the fact that “Hebrew” never once occurs in either P or H. Thus, throughout his discussion of the relationship of H and C, he makes conflationary statements such as “HC does not allow for the purchase of Hebrew [sic] slaves.”⁷² It cannot simply be assumed that “Hebrew” and “Israelite” are synonymous terms for all biblical authors.⁷³

Most of Van Seters’ essay does not in fact prove the posteriority of C, but assumes it, and explains the differences between C and the other codes based on that assumption. One argument on which he places a great deal of weight is the fact that C prefaces its law with *כִּי תִקְנֶה עֶבֶד עִבְרִי*, “when you buy a Hebrew slave” (Exod 21:2). Van Seters takes this phrase to imply that (1) the individual was already a slave before he was sold, and (2) he was an Israelite owned by foreigners.⁷⁴ Noting that the purchase of Israelites owned by Gentiles is also the concern of Neh 5:1–13, Van Seters jumps to the conclusion that Exod 21:1–7 is from the same time period as Nehemiah.⁷⁵

It must be admitted that Van Seters simply reads too much into the phrase *כִּי תִקְנֶה עֶבֶד עִבְרִי*. The phrase does not necessarily indicate that the individual had been a slave beforehand, nor does it give any information about the nationality of his supposed previous owner. Moreover, even if it did imply previous slave status and foreign ownership, there were many periods in Israel’s history besides that reflected in Neh 5 in which Israelites lived under foreign domination. There is no reason to disbelieve the biblical testimony that prior to the rise of David, Israel was frequently oppressed by neighboring kingdoms (Judg 2:11–19 *et passim*, 1 Sam 13:19–22, etc.), and that the latter kings of Israel and Judah functioned as vassals of Mesopotamian (or occasionally Egyptian) overlords. In any of these periods Israelites would have been subject to possible enslavement by foreigners (cf. 2 Kgs 5:1–2); not just in the post-exilic period under Nehemiah. H itself recognizes enslavement to foreigners as a possibility (Lev 25:47), but Van Seters does not hesitate to date H earlier than C.

Therefore, Van Seters’ arguments for the posteriority of C based on a supposedly perceivable progression in the laws of the “Hebrew” slave must be judged unpersuasive. Of course, Van Seters has other and larger arguments for dating C later than D and H, which he presents elsewhere.⁷⁶ A comprehensive critique of Van Seters larger project is beyond the scope of this study.

⁷² Van Seters, “Hebrew Slave,” 540.

⁷³ See Oswald Loretz, *Habiru-Hebräer: Eine soziologische Studie über die Herkunft des Gentilicums 'ibiri vom Appellativum habiru* (BZAW 160; Berlin: Walther de Gruyter, 1984).

⁷⁴ Van Seters, “Hebrew Slave,” 538–40.

⁷⁵ Van Seters, “Hebrew Slave,” 543–44.

⁷⁶ Van Seters, “Cultic Laws in the Covenant Code and their Relationship to Deuteronomy and the Holiness Code,” in *Studies in the Book of Exodus: Redaction—Reception—Interpretation* (ed. M. Vervenne; BETL 126; Louvain: Peeters, 1996), 318–45.

Although Van Seter's specific conclusions seem unlikely, the great value of his work is to demonstrate the prevalence of untested assumptions in this area of scholarship, and that—with a little scholarly effort—the same data can be thoroughly re-arranged to support quite a different historical reconstruction of Israelite religion.

There is less unanimity about the relationship between Lev 25 and Deut. 15:1–11. The question of this relationship is often bound up with the issue of the relationship between H and D in general. Those scholars who follow the traditional view that the D precedes P in general and H in particular generally argue that Lev 25 is dependent on Deut 15 and modifies it.⁷⁷ Those who regard P and/or H as preceding D argue that Deut 15 either ignores, abrogates, or complements the earlier Levitical material.⁷⁸ It should be pointed out, however, that the larger question of the relationship of D to H does not necessarily determine the particular issue of the direction of dependence between Deut 15 and Lev 25. As von Waldow observed, “the existence of a particular ordinance within one of these codes does not establish anything with regard to the actual age of the ordinance, for it is well known that the Deuteronomic law and even the Code of

⁷⁷ E.g. Kaufman, “A Reconstruction”; Ginzberg, “Studies”; Lemche, “The Manumission of Slaves”; Hans G. Kippenberg, “Die Entlassung aus Schuldknechtschaft im antiken Judäa: Eine Legitimitätsvorstellung von Verwandtschaftsgruppen,” in *Vor Gott Sind Alle Gleich* (Düsseldorf: Patmos, 1983): 74–104; Arndt Meinhold, “Zur Beziehung Gott, Volk, Land im Jubel-Zusammenhang,” *BZ* n.f. 29.2 (1985): 245–61; Robert Gnuse, “Jubilee Legislation in Leviticus: Israel's Vision of Social Reform,” *BTB* 15 (1985): 43–48; Yairah Amit, “The Jubilee Law—An Attempt at Instituting Social Justice,” in *Justice and Righteousness: Biblical Themes and Their Influence* (ed. H. G. Reventlow and Y. Hoffman; Sheffield: JSOT Press, 1992): 47–59; Rainer Albertz, “Die Tora Gottes gegen die wirtschaftlichen Sachzwänge,” *Ökumenische Rundschau* 44 (1995): 290–310; Alfred Cholewinski, *Heligkeitsgesetz und Deuteronomium: Eine vergleichende Studie* (AnBib 66; Rome: Pontifical Biblical Institute, 1976): 217–51; Robinson, “Das Jubel-Jahr,” 475.

⁷⁸ On the priority of H, see Yehezkel Kaufmann, *The Religion of Israel* (trans. Moshe Greenberg; New York: Schocken Books, 1972), 166–200; Richard E. Friedman, *Who Wrote the Bible?* (New York: Harper and Row, 1987), 161–216; Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Clarendon Press, 1972), 179–89; Milgrom, *Leviticus* 17–22, 1357–64. On the priority of the slave laws in H to those in D, see Sara Japhet, “The Relationship between the Legal Corpora in the Pentateuch in Light of Manumission Laws,” in *Studies in the Bible* (ScrHier 31; ed. S. Japhet; Jerusalem: Magnes, 1986): 63–89; Milgrom, *Leviticus* 23–27, 2251–57. See also Adrian Schenker, “The Biblical Legislation on the Release of Slaves: The Road from Exodus to Leviticus,” *JSOT* 78 (1998): 23–41, and G. C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East* (JSOTSup 141; Sheffield: JSOT Press, 1993). Schenker's and Chirichigno's views do not require the dependence of Lev 25 on Deut 15, and leave open the possibility that the former is earlier.

Holiness which is probably later contain very ancient materials.”⁷⁹

For reasons that will become clear below, the approach taken here is that Lev 25 and Deut 15 actually address quite distinct socio-legal situations. Neither can be regarded as a “source” for the other, and therefore the question of the order of dependence is irrelevant.

According to the approach of this study, then, the only biblical sources for the legislation of Lev 25 are Exod 21:1–11 and 23:10.

3.1. *The Dating of the Covenant Code*

The laws of the Hebrew slave (Exod 21:1–11) have been placed at the head of the Covenant Code, which, as noted above, has generally been considered the oldest corpus of law in the Pentateuch.⁸⁰ The similarities of these stipulations to certain ones in the Code of Hammurabi⁸¹ and the laws of Nuzi⁸² have led to the suggestion that they may be pre-Israelite in character. Other scholars, however, prefer to see this legislation as the promulgation of one of the Israelite kings, perhaps Jeroboam I.⁸³ John Van Seters’ idiosyncratic views have already been discussed.⁸⁴

It is not possible here to enter fully into the debate about the exact setting of the Covenant Code. Only the general approach adopted for the present purposes can be sketched, with some reference to the literature on the topic.

An early setting of C—including Exod 21:1–11—in Israel’s history still seems plausible, in light of (1) the frequent similarities with second-millennium B.C.E. cuneiform law codes, and (2) the relative lack

⁷⁹ H. Eberhard von Waldow, “Social Responsibility and Social Structure in Early Israel,” *CBQ* 32 (1970): 182.

⁸⁰ Hans J. Boecker, *Law and the Administration of Justice in the Old Testament and the Ancient Near East* (Minneapolis: Augsburg, 1980), 135–44; Shalom M. Paul, *Studies in the Book of the Covenant in Light of Cuneiform and Biblical Law* (VTSup 18; Leiden: Brill, 1970), 43–45; Dale Patrick, *Old Testament Law* (London: SCM Press, 1985), 63–65; Chirichigno, *Debt-Slavery*, 186. As noted above, Van Seters is a dissenting voice, arguing that the Covenant Code is the last of the biblical legal corpora.

⁸¹ V. Wagner, “Zur Systematik in dem Codex Ex 21:2–22:16,” *ŽAW* 81 (1969): 176–82; Stephen A. Kaufman, “The Structure of Deuteronomic Law,” *Maarav* 1/2 (1978–1979): 105–58; here 116.

⁸² Julius Lewy, “Häbirū und Hebrews,” *HUCA* 14 (1939): 587–623; Paul, *Studies*, 45–53; Mendelsohn, *Slavery*, 10–14, 53, 87.

⁸³ E.g. Eckart Otto, *Wandel der Rechtsbegründungen in der Gesellschaftsgeschichte des antiken Israel. Eine Rechtsgeschichte des »Bundesbuches« Ex XX 22–XXIII 13* (StB 3; Leiden: Brill, 1988).

⁸⁴ Van Seters, “Hebrew Slave.”

of peculiarly Israelite institutions and thought-forms.⁸⁵ The complete absence of any reference to a king or centralized governmental structure argues against placing C in the monarchic period.⁸⁶

While an early, pre-monarchic setting for the Covenant Code is accepted here, it is important to point out that no part of this present study is dependent on such a view. A literary relationship between Exod 21:2–11 and Lev 25 cannot be demonstrated. Although there does seem to be a literary relationship between Exod 23:10–11 and Lev 25:3, the direction of the literary dependency could always be disputed. Therefore, the date and setting of the Covenant Code and Lev 25 may be determined independently of each other, and the relationship between the laws can only be a speculative matter based upon one's reconstruction of the development of Israelite society and religion.

3.2. *Exodus 21:1–11*

A complete discussion of this text is beyond the scope of this study. The concern here is only to highlight those points relevant to understanding the relationship of this passage to Lev 25.⁸⁷ The Hebrew of the MT may be translated as follows:

⁸⁵ See Lemche, "Manumission of Slaves," 42: "The law of the Hebrew slave . . . has strong connecting links to Canaanite and Mesopotamian laws . . . It seems probable that the two sections [of the Book of the Covenant] were brought together already in the time of the Judges." Also idem, "The Hebrew and the Seven-Year Cycle," *BN* 25 (1984): 65–75; and Brevard S. Childs, *The Book of Exodus* (Philadelphia: Westminster Press, 1974), 457: "A detailed study . . . points unmistakably to the period immediately after the occupation of the land."

⁸⁶ Contra Frank Crüsemann, "Das Bundesbuch—historischer Ort und institutioneller Hintergrund," in *Congress Volume, Jerusalem 1986* (ed. J. A. Emerton; VTSup 40; Leiden: Brill, 1988): 27–41; Otto, *Wandel der Rechtsbegründungen*; Ludger Schwienhorst-Schönberger, *Das Bundesbuch (Ex 20,22–23:33)* (BZAW 188; Berlin/New York: Walter de Gruyter, 1990); Yuichi Osumi, *Die Kompositionsgeschichte des Bundesbuches Exodus 20,22b–23,33* (OBO 150; Göttingen: Vandenhoeck & Ruprecht, 1991). The reference to the אֲדָמָה in 22:27 has been an embarrassment to those who set the Covenant Code in the monarchic period. It is usually ascribed to a later redactor, without good reason—as Van Seters points out ("Cultic Laws," 345).

⁸⁷ Most of the following discussion draws on the excellent treatment by Chirichigno, *Debt-Slavery*, 186–255. Other important treatments of the Covenant Code and Exod 21:1–11 can be found in Childs, *Exodus*; Innocenzo Cardellini, *Die biblischen "Sklaven"-Gesetze im Lichte des keilschriftlichen Sklavenrechts* (BBB 55; Bonn: Peter Hanstein, 1981); John I. Durham, *Exodus* (WBC; Waco: Word Books, 1987); Nahum Sarna, *Exodus* (JPS Torah Commentary; New York: JPS, 1991); Bernard M. Levinson, "The Birth of the Lemma: The Restrictive Reinterpretation of the Covenant Code's Manumission

21:1 These are the rules that you shall set before them:

²When you buy a Hebrew worker, he shall work six years; in the seventh he shall go free, without payment. ³If he came alone, he shall leave alone; if he was the lord of a woman, his woman shall leave with him. ⁴If his master gave him a woman, and she has borne him children, the woman and her children shall belong to the master, and he shall leave alone. ⁵But if the worker declares, "I love my master, and my woman and my children: I do not wish to go free," ⁶his master shall take him before God. He shall be brought to the door or the doorpost, and his master shall pierce his ear with an awl; and he shall then remain his worker for life.

⁷When a man sells his daughter as a handmaid, she shall not be freed as male workers are. ⁸If she proves to be displeasing to her master, who designated her for himself, he must let her be redeemed; he shall not have the right to sell her to outsiders, since he broke faith with her. ⁹And if he designated her for his son, he shall deal with her as is the practice with daughters. ¹⁰If he marries another, he must not withhold from this one her food, her clothing, or her conjugal rights. ¹¹If he fails her in these three ways, she shall go free, without payment.

T. J. Turnham and others have demonstrated that Exod 21:2–11 displays a finely balanced structure based on the comparison and contrast of the laws for male slaves (vv. 2–6) and female slaves (vv. 7–11).⁸⁸ The prescriptions for the male slave move from his opportunity for freedom (v. 2) to the possibility of life-long attachment to his master's household (vv. 5–6); whereas those for the female slave move from life-long attachment to her master's household (v. 7) to her opportunity for freedom (v. 11). A basic chiasmic structure to the entire pericope is recognizable.⁸⁹

The meaning of "freedom" in Exod 21:2–11 is thus very different for the "male slave" (עֶבֶד) and the "female slave" (אִמָּה). For the male slave, freedom is generally a good to be desired: a chance for him to establish himself once again as a free man. For the אִמָּה, "freedom"

Law by the Holiness Code (Leviticus 24:44–46)," *JBL* 124 (2005): 617–39; idem, "The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory," in *Congress Volume Leiden 2004* (ed. André Lemaire; VTSup 109; Leiden: Brill, 2006), 281–324.

⁸⁸ Timothy J. Turnham, "Male and Female Slaves in the Sabbath Year Laws of Exodus 21:1–11," *SBLSemPap* (1987): 545–49; see also Chirichigno, *Debt-Slavery*, 198–99; and Yair Zakovitch, "For Three . . . and for Four": *The Pattern for the Numerical Sequence Three-Four in the Bible* (Jerusalem: Makor, 1979): xxv–xxvi [Hebrew].

⁸⁹ Chirichigno, *Debt-Slavery*, 198–99.

is negative, tantamount to divorce and loss of support, a denial of her husband/master's commitments toward her.⁹⁰

Exodus 21:2–6 regulates the practice of slavery for “Hebrews.”⁹¹ Male slaves are to serve a maximum of six years, and then go free. A wife brought with the slave into the period of servitude leaves with him, but a wife provided by the master, together with any children she bears, remains in the master's household. If the male slave is attached to the master and/or the wife he has provided for him, he has the option of becoming a permanent (slave) member of the master's household.

Excursus: The Term “Hebrew” (עברי)

Some comment on the term “Hebrew” (עברי) is in order. The literature on this term is enormous, and its exact meaning and relationship to the *ʿapiru* and other groups known from various ancient Near Eastern texts is a matter of debate.⁹² This debate will not be solved here. However, some observations about the way in which the term עברי is deployed in the Hebrew Bible may help us to elucidate the mutual relationship of the Pentateuchal slave laws, two of which (Exod 21:2–6 and Deut 15:12–18) concern the “Hebrew slave.”

The term “Hebrew” is employed 34 times in the Scriptures. The distribution of the use of the term shows interesting characteristics:

1. The term “Hebrew” occurs predominantly in *foreign* contexts, when (a) a foreigner (Philistine or Egyptian) is referring to the Israelites,⁹³ or (b) when Israelites are describing themselves to foreigners,⁹⁴ or (c) when events are being viewed from a foreign (Egyptian or Philistine) perspective.⁹⁵

2. The term “Hebrew” occurs predominantly in the context of *slavery*. The use of “Hebrew” in the Joseph narratives of Gen 39–41 (39:14, 17; 40:15; 41:12) describes a time when Joseph was a slave (עבד) to

⁹⁰ Levinson never discusses this nuance, even to reject it. See Levinson, “Birth of the Lemma” and “Manumission of Hermeneutics.”

⁹¹ See discussion and literature in Chirichigno, *Debt-Slavery*, 200–206.

⁹² Important contributions on the meaning of “Hebrew” include: Moshe Greenberg, *The Hab/piru* (New Haven: American Oriental Society, 1955); Manfred Weippert, *The Settlement of the Israelite Tribes in Palestine* (SBT 2nd Ser. 21; London: SCM Press, 1971), 63–102; Oswald Loretz, *Habiru-Hebräer. Eine sozio-linguistische Studie über die Herkunft des Gentiliziums ʿibrî vom Appellativum habiru* (BZAW 160; Berlin: de Gruyter, 1984); Lemche, “The Hebrew and the Seven Year Cycle,” *BN* 25 (1984): 65–75 (a critique of Loretz); and Nadav Naʾaman, “Habiru and Hebrews: The Transfer of a Social Term to the Literary Sphere,” *JNES* 45 (1986): 271–88. Additional literature is cited by Chirichigno, *Debt-Slavery*, 200–206.

⁹³ Gen 39:14, 17; 41:12; Ex 1:16; 2:6, 13; 1 Sam 4:6, 9; 13:19; 14:11; 29:3.

⁹⁴ Gen 40:15; Exod 1:19; 2:7; 3:18; 5:3; 7:16; 9:1, 13; 10:3; Jonah 1:9.

⁹⁵ Gen 43:32; Exod 1:15; 2:11, 13.

Potiphar (39:17) and to the captain of the guard (41:12). “Hebrew” applied to the Israelites in Egypt (Exod 1–10) describes their period of slavery to the Egyptians. The only two Pentateuchal laws that use the term עֶבְרִי regulate the purchase and manumission of the “Hebrew slave.” The Philistines refer repeatedly to the Israelites as “Hebrews” in 1 Sam 4–14, at a time when they considered the Israelites to be their “slaves”: “Take courage and be men, O Philistines, in order not to become *slaves* to the Hebrews as they have been to you” (1 Sam 4:9). The sole usage of the term in the prophets is found in Jer 34 (bis: vv. 9, 14) in which Jeremiah quotes the slave laws of Deuteronomy. In fact, out of 34 occurrences of “Hebrew” in the Old Testament, only three are *not* in a purported historical context in which the person(s) designated “Hebrew” are considered by another party as their slave(s).

3. There is also an implied ethnic background to the term. Gen 10:21 identifies Shem as “the father of all the children of Eber (עֶבֶר),” which seems to be the biblical explanation for the term עֶבְרִי. Eber was the great-grandson of Shem, and the great-great great-great grandfather of Abram. Thus, four chapters later, Abram is an עֶבְרִי (Gen 14:13). If Abraham was a “Hebrew,” it follows that his descendants would be also. However, one must keep in mind that the Israelites were not the only descendants of Abraham. The Ishmaelites and other Arabian tribes, as well as the Edomites, could also claim that heritage. Moreover, Abraham’s nephew Lot, also a descendant of Eber, could likewise be an עֶבְרִי, and thus his sons Moab and Ammon. Thus, the Arabians, Edomites, Moabites, and Ammonites were all עֶבְרִי. Interestingly, these are all nations who surrounded Israel geographically, on her South and East borders. Curiously Lev 25:44 states, “As for the male and female slaves whom you may have, it is from the *nations around you* that you may acquire male and female slaves.”

4. Thus, in the Hebrew Bible, “Hebrew” is not synonymous with “Israelites.” Individuals who are not Israelites are called “Hebrews.” For example, Abraham is described as a “Hebrew” (Gen 14:13), although he is obviously not an Israelite (בֶּן יִשְׂרָאֵל) since he is Jacob/Israel’s ancestor, not descendant. Also, in the narrative of 1 Sam 13–14, at times it becomes apparent that “Hebrews” can be considered distinct from “Israelites”:

Now the Hebrews who previously had been with the Philistines and had gone up with them into the camp turned to be with the Israelites who were with Saul and Jonathan. (1 Sam 14:21; cf. 1 Sam 13:3, 7)

וְהָעִבְרִים הָיוּ לְפִלְשְׁתִּים כְּאַחְמוֹל שְׁלֹשׁ עָלֹ עָמִם בְּמַחֲנֶה
סָבִיב וְגַם הָמָּה לַחַיִּים עִם יִשְׂרָאֵל אֲשֶׁר עִם שָׁאוּל וַיּוֹנָתָן

“Hebrew” is a larger category than Israelites. All Israelites are Hebrews, but not all Hebrews are Israelites.

To summarize these observations, when the whole range of uses of “Hebrew” in the Bible are viewed together, it appears to be a term

having both socio-economic and ethnic connotations,⁹⁶ indicating an underclass which foreigners associated with slavery, but Israelites understood to be the branch of the Semitic peoples to which they belonged.

The use of “Hebrew” in the slave laws of Exod 21 and Deut 15 is striking and significant, because these are the only two instances of the term in Pentateuchal law. It is a rare instance of an “inner-group” use of the term. In the literary context of both Exodus and Deuteronomy, we have one Israelite (Moses) communicating to other Israelites. Outside of these laws, there are arguably no Biblical examples of Israelites self-identifying as “Hebrews” when communicating with each other. There is a simple reason for this: “Hebrew” is not specific enough to identify the defining characteristics of a member of the “Israelite” group. It would be like Scotsmen calling each other “British” while at a highland festival.⁹⁷ In fact, it seems likely that when used in inner-Israelite communication—as in the law codes—“Hebrew” refers to those who share this identity but are *not* part of the “in-group”; that is, it refers to non-Israelite Hebrews. Ethnically unmarked references to individuals within internal Israelite communication can be assumed to refer to Israelites (e.g. “you” [m.sg.] or “a man” in the law codes would be an Israelite male). To intentionally “mark” the ethnicity of an individual with a definition that exceeds the boundaries of the group (i.e. “Hebrew”) implies that the individual “marked” is a member of the outer group (“Hebrews”) but not the inner group (“Israelite”).⁹⁸ This clearly is taking place in 1 Sam 14:11, but we would suggest also in Exod 21:2 and Deut 15:18.⁹⁹ Therefore Exod 21:2 probably refers to a non-Israelite Hebrew.¹⁰⁰

⁹⁶ Much as the term “Gypsy” may indicate both a socio-economic class and an ethnicity.

⁹⁷ On the fascinating interplay of “Scottish,” “English,” and “British” self-identities, see Victoria Weber, “Scottish, English, British, European Identities: A Literature Review,” www.sociology.ed.ac.uk/youth/docs/v_webers_lit_rev.pdf.

⁹⁸ Another example of this is the (unfortunate) practice in American Catholic popular culture, of distinguishing “Catholics” from “Christians” in informal conversation. Of course, “Catholic” is a subset of “Christian,” not an opposed category. Nonetheless, the broader term “Christian” is used to denote a “non-Catholic Christian,” i.e. “Protestant,” because if the denotee was a member of the inner group (a Catholic), one would specify him or her as such rather than with the less specific, broader term.

⁹⁹ It is frequently argued that in Deut 15:12, the “Hebrew” must be an “Israelite” because he is called “your brother” (אָדוֹן). However, Deuteronomy also describes the Edomite as “your brother” (Deut 23:7). Therefore, let us be consistent and either argue that the Edomite must be an Israelite, or else that אָדוֹן does not always indicate an Israelite in Deuteronomy. In fact, the use of אָדוֹן to gloss עֶבְרִי in Deut 15:12 probably points to a *non-Israelite* identity of the עֶבְרִי, because if עֶבְרִי simply meant “Israelite,” it would be unnecessary and tautologous to append אָדוֹן (*pace* Levinson *et al.*).

¹⁰⁰ This is also (approximately) the approach Jonathan Paradise suggests, which Levinson, in our opinion, dismisses too quickly and for an inadequate reason (see

Female “slaves” in Exod 21:7–11 are not specified as “Hebrews.” It is very important to note the difference in the protases of 21:2 and 21:7. Exod 21:2 says “If you buy a Hebrew slave;” Exod 21:7, “If a man sells his daughter.” The ethnically-unmarked “man” in Exod 21:7 can be assumed to be an Israelite in this literary context (of inner-Israelite communication). Thus, the woman sold in 21:7 is an Israelite, and furthermore is assumed to have been sold as a bride (Exod 21:10). Thus, “strictly speaking, this law, as handed down to us, does not deal with slavery proper, for the sold girl is destined to marry . . . and the children born . . . were free.”¹⁰¹ The נִשְׁתָּה does not go free after a set time period. If her master/husband wishes to divorce her, he must allow her to be bought back (redeemed), presumably by her father or other male guardian. She cannot be sold out of the Israelite community. If married to a son, she has full rights as a daughter-in-law, just as free-born wives. If her basic rights to support as a wife are not met, she may leave her master/husband’s household and he incurs the permanent loss of her bride-price.

The following are the observations concerning this pericope relevant to understanding its relationship to Lev 25:

First, the seven-year slave release cycle proposed here is not synchronous for all slaves in the society, but is based the individual “start date” of each slave, and is only applicable to male slaves.

Second, the return to one’s inherited land and family, and the possibility of redemption by a *go’el*, are not mentioned. While perhaps land, family, and redeemer should be understood in the silence of the text, Exod 21:2–6 does seem to envision an individual who is landless and excluded from the Israelite clan system. This again may be a clue to the significance of the designation “Hebrew,” discussed above.

Third, if “Hebrew” = “Israelite,” its permission for the sale of Hebrew slaves seems in tension with Lev 25:44–46, which states that the slaves of Israelites should be taken from non-Israelite populations. If, however, as we have argued, “Hebrew” in this context means

Levinson, “Birth of the Lemma,” 621–22, n. 9). Pace Levinson, even if עֶבְרִי has a socio-economic connotation, עֶבְרִי עֶבֶר is not pleonasm: not every עֶבְרִי was an עֶבֶר, nor vice-versa. Levinson does not recognize his own proposed pleonasm in Deut 15:12 (see previous note). We are sympathetic to the position of Christopher Wright (*God’s People*, 253–59), who argues that הָעֶבְרִי in Deut 15:12 has a socio-economic signification, denoting a caste of landless people who often sought to support themselves as servants/slaves. See fuller discussion below, ch. 5, n. 115.

¹⁰¹ Mendelsohn, *Slavery*, 87.

something akin to “non-Israelite Semite” and/or “member of the landless caste,” then the clauses of Lev 25:44–46 may describe the purchase of slaves, and the making of permanent slaves, envisaged by Exod 21:2–6.¹⁰²

Fourth, the legislation only addresses certain classes of slaves: (a) the childless single or married male slave (v. 3) and (b) the נָשָׂא sold as a wife or concubine (vv. 8–9). The legislation does not address the situation of a male slave who is a father of children, or the female slave who is sold as a laborer and not as a wife/concubine, or who sells herself.¹⁰³ Certainly in the case of the female slave, and probably in the case of the male slave, the kind of slave-sale described is the sale of dependents by the *paterfamilias*.¹⁰⁴

It is not possible to know why the legislator does not address these other situations. It does not seem likely that the specified types of slavery were the only ones known to him, since throughout the ancient Near East the sale of men with sons was common, as was the sale of women for non-marital purposes.¹⁰⁵

It seems more likely that the Covenant Code is not intended to be comprehensive, i.e. it did not deal with every possible legal situation to be encountered in its context. If it was intended to be binding law, it must have been promulgated into a context in which there were already either written or oral legal traditions which the legislator of the Covenant Code wished to revise selectively or complement. The whole code is quite brief in comparison to the Code of Hammurabi or the Laws of Eshnunna, for example, which themselves are far from comprehensive. It could not possibly have covered all the legal situations which would have arisen in an ancient Near Eastern society.¹⁰⁶

¹⁰² To the contrary, see Bernard Levinson, “The Birth of the Lemma: The Restrictive Reinterpretation of the Covenant Code’s Manumission Law by the Holiness Code (Leviticus 24:44–46),” *JBL* 124 (2005): 617–39, who argues that Lev 25:44–46 reworks Exod 21:2–11 in order to overturn it.

¹⁰³ See Chirichigno, *Debt-Slavery*, 344–45; Schenker, “Biblical Legislation,” 37–40.

¹⁰⁴ Chirichigno, *Debt-Slavery*, 352–53. Cf. Mendelsohn, *Slavery*, 18–19, 85, 89.

¹⁰⁵ Chirichigno, *Debt-Slavery*, 245; Bernard S. Jackson, “Some Literary Features of the *Mishpatim*,” in *Wünschet Jerusalem Frieden: Collected Communications to the Twelfth Congress of the International Organization for the Study of the Old Testament, Jerusalem 1986* (ed. M. Augustin and K.-D. Schenck; Bern: Peter Lang, 1987), 235.

¹⁰⁶ On the incompleteness of biblical and ancient Near Eastern law codes and the implications thereof, see Sarna, *Exodus*, 275–76; Raymond Westbrook, “What is the Covenant Code?” in *Theory and Method in Biblical and Cuneiform Law: Revision, Interpolation, and Development* (ed. B. M. Levinson; JSOTSup 181; Sheffield: Sheffield

Regardless of how one explains the selectivity of the slave laws in Exod 21:1–11, it is important to recognize that these regulations only envisage certain kinds of slave-sale, which—as will be seen—differ from those envisaged by Lev 25.¹⁰⁷ To anticipate our conclusions, in contrast to Exod 21:1–11, Lev 25 addresses the indentured servanthood of the head of an Israelite household, i.e. a *paterfamilias*.

3.3. *Exodus 23:10–11*

Unlike the law of the Hebrew slave, there does seem to be literary dependence of Lev 25 (vv. 2–7) on Exod 23:10–11; that is, some of the language of Lev 25:2–7 is similar enough to Exod 23:10–11 that it is reasonable to assume the author of Lev 25 knew the Exodus fallow law and expanded upon it.¹⁰⁸ The introductory lines of the two laws share the lexemes shown in italics:

ושש שנים תזרע	|	ושש שנים תזרע
ואספת את חבוואתה	|	ואספת את חבוואתה
(Exod 23:10)		(Lev 25:3)

If Lev 25:3 is assumed to be later, it appears that it has expanded upon the word *אֶרֶץ*, defining it as *שָׂדֶךְ* and *כֶּרֶם*. The following verses (Lev 25:4–7) are certainly thematically related to Exod 23:11, but there is no clear lexical borrowing. In Leviticus, the seventh year is called a *שַׁבַּת שְׁבִיתוֹן* and a *שַׁבַּת לַיהוָה*, terms not used in Exodus. Exod 23:11 makes mention of olive groves (*זֵיתָן*) among those places to be left fallow, which Lev 25:4–7 does not. The two passages also describe the beneficiaries of the fallow year produce differently: in

Academic Press, 1994), 15–36, esp. 22: “It should be remembered firstly that the codes do not give anything approaching a complete account of their legal system or even of any given area of law. It is dangerous, therefore, to argue from the silence of a code on a particular point of law for its absence from that legal system.”

¹⁰⁷ See H. L. Ellison, “The Hebrew Slave: A Study in Early Israelite Society,” *EQ* 45 (1973): 33–34; Schenker, “Biblical Legislation,” 33–41.

¹⁰⁸ Bernard Levinson argues strenuously that Lev 25:44–46 is a reworking of Exod 21:2–11. However, despite Levinson’s initially persuasive presentation, one must bear in mind that there are not even two identical words in the same order between these two passages. Levinson bases his case for Lev 25:44–46’s dependence on Exod 21:2–11 on four terms occurring in both pericopes: *עֶבֶד*, *אִמָּה*, *קָנָה*, and *לַעֲלָם*. Since the first three words are the common terms for “male slave,” “female slave,” and “purchase,” and could be expected to occur in any Hebrew text discussing the purchase of male and female slaves, it seems the term *לַעֲלָם* is Levinson’s strongest evidence of a literary relationship between the two texts. In our opinion, Lev 25:44–46 may be an *allusion* (rather than a reworking) of Exod 21:2–11. See the opinion of Jonathan Paradise, cited by Levinson in “Birth of the Lemma,” 621–22, n. 9.

Exodus it is עֲמֵךְ אֲבִינִי (the needy among you) and חַיַּת הַשָּׂדֶה (the beasts of the field), whereas Leviticus specifies that the fallow-yield is לְךָ וּלְעַבְדְּךָ וּלְאִמְתְּךָ וּלְחוֹשֶׁבֶךְ הַנְּגִרִים עִמָּךְ וּלְבַהֲמֶתְךָ וּלְחַיַּת הָאָרֶץ אֲשֶׁר בְּאֶרֶץ (for you, your slave, your hand-maid, your hired hand, the resident alien dwelling with you, your cattle, and the wild animals in the land).

Thus, it appears that Lev 25:2–7 expands on Exod 23:10–11, adding further specification at some points and introducing a new concept (שְׁבַת שְׁבָחוֹן).¹⁰⁹ However, the actual cases of clear lexical borrowing are few—limited to Lev 25:3—and the failure to mention olive groves (זֵיתָן) in Leviticus is obscure. On purely literary grounds, the possibility cannot be ruled out that Exod 23:10–11 is abbreviating Lev 25:2–7, however unlikely this may seem on other grounds.¹¹⁰

Exod 23:10–11 prescribes a mandatory fallow for the land every seventh year. This year does not seem to be universal for all Israelites, but rather might have been determined on the basis of each individual farmer or even each individual field. The “needy” are allowed to eat of the fallow fields, and the leftover is designated for the “wild beasts.” A concern for social welfare—evident also in Exod 23:12—would explain the provision for the “needy,” although not for the wild beasts. There may have been religious/cultic motivations for the practice of the fallow which are not expressed explicitly in the text.¹¹¹

In point of fact, a 1-in-7 fallow year would not have been sufficient to maintain the fertility of the soil. However, there are ways a seventh-year fallow could have been worked into a more frequent fallow cycle.¹¹² The old objection that the ancients were ignorant of the necessity of cyclical fallows is baseless, as noted above.¹¹³

If Lev 25:2–7 is drawing on Exod 23:10–11, then it is possible to make the following generalizations:

First, the Levitical legislator stresses the cultic aspects of the fallow. He introduces the term שְׁבַת שְׁבָחוֹן and שְׁבַת לִיהוָה to describe the

¹⁰⁹ So Michael A. Fishbane, *Biblical Interpretation in Ancient Israel* (New York: Oxford University Press, 1985), 180.

¹¹⁰ So argues Van Seters, “Cultic Laws,” 319–45.

¹¹¹ Cf. Christopher J. H. Wright, *God’s People in God’s Land: Family, Land, and Property in the Old Testament* (Grand Rapids: Eerdmans, 1990), 143–46.

¹¹² See David C. Hopkins, *The Highlands of Canaan: Agricultural Life in the Early Iron Age* (Sheffield: JSOT Press, 1985), 201; Oded Borowski, *Agriculture in Iron Age Israel: The Evidence from Archeology and the Bible* (Winona Lake: Eisenbrauns, 1987): 15–18, 143–48; and discussion in Milgrom, *Leviticus 23–27*, 2248–51.

¹¹³ See above, pp. 32–33, on ancient fallow practice.

fallow, making an explicit link with the observance of the Sabbath day. Socio-economic concerns are less conspicuous, although not absent.

Second, the Levitical legislator makes clear that the seventh-year fallow is a universal, simultaneous practice; whereas in Exod 23:10–11 the fallow cycle may have been set differently for each farmer or even each field.

The differences between the legislations are frequently overstressed, however. For example, it is too strong to say that Exod 23:10–11 had no cultic but only socio-economic interest in the fallow year, and that the Levitical legislator abolishes the socio-economic significance of the observance, being solely motivated by cultic considerations.¹¹⁴ Such an attitude (1) rests on a false dichotomy between cultic practice and social justice which cannot be substantiated by biblical or ancient Near Eastern texts without dismembering them,¹¹⁵ (2) disregards the fact that the Covenant Code—of which Exod 23:10–11 is a small part—is itself embedded in a religious, cultic setting, as was frequently the case for the promulgation of law codes in the ancient Near East,¹¹⁶ and (3) the beneficiaries of the produce of the sabbatical year in Lev 25:6–7 would include in their number many who would also fit the category of “poor” in Exod 23:10–11.¹¹⁷

4. *Summary*

This chapter has examined the ancient Near Eastern and biblical antecedents for the jubilee legislation. In the ancient Near Eastern material, analogies were found for the following elements of the jubilee text: (1) the promulgation of “freedom” proclamations involving release of slaves, debts, and land (Lev 25:10), (2) the dedication of certain populations and regions as servants (slaves) of a particular god (Lev 25:42); (3) the observance of special festivals in the seventh month involving temple purgation, re-assertion of the rule of the patron deity, and acts of (at least symbolic) social justice (Lev 25:9–10); (4) the practice of fallowing fields (Lev 25:4); (5) the inalienability in principle of ancestral land, with its corollary—redemption laws (Lev 25:23–55);

¹¹⁴ On this see Wright, *God's People in God's Land*, 143–46, 150–51.

¹¹⁵ See Milgrom, *Leviticus 1–16* (AB 3; New York: Doubleday, 1991), 21–24.

¹¹⁶ Cf. *ANET*, 159, 161, 164–65, 177–80, 523–24.

¹¹⁷ So Fishbane, *Biblical Interpretation*, 180. The male and female slave, hired man, and resident alien of Lev 25:6–7 were all potentially poor and needy.

(6) the use of a calendar based on multiples of seven and fifty ($7 \times 7 + 1$) (Lev 25:8–10). The Levitical legislator regarded the Israelites as sacred slaves (*hierodoules*) and their land as a sacred precinct. As such, they enjoyed certain rights on analogy to the ancient Near Eastern institution of *kiddinutu*. Not having a king to proclaim edicts of *andurarum*, the legislator ensured the Israelites would enjoy such decrees periodically, by including them in the cycle of the cultic calendar. The celebration of the *andurarum* would take place during the seventh (festival) month, as part of the rite of renewal of the people's relationship with their patron deity and divine monarch, YHWH, on *yom kippur*.

The slave- and fallow-laws of the Covenant Code (Exod 21:1–11 and 23:10–11) were considered as possible inner-biblical sources for the jubilee legislation. The types of slavery regulated by Exod 21:1–11 are quite different from the type envisaged by Lev 25, so there does not seem to be direct interaction between the two texts. However, if “Hebrew” is equivalent to “Israelite,” the position of Lev 25:44–46 that Israelites should seek slaves from non-Israelite populations seems in tension with the implication of Exod 21:1–11 that Israelite slaves would be bought and sold by other Israelites. If the terms are distinct, however, then Lev 25:44–46 may actually be a reference to the practices outlined in Exod 21:2–6.

Lev 25:2–7 seems to draw from the fallow-law of Exod 23:10–11, although the examples of clear literary borrowing are limited to two phrases of three words each in Lev 25:3. The sabbatical year legislation of Lev 25:2–7 either adjusts or clarifies the fallow-law with the result that the fallow-year becomes clearly universal and simultaneous. The cultic, religious aspect of this observance is brought to the fore by the application of the terms שבת ליהוה and שבת שבתון to the fallow-year, establishing a clear analogy between the Sabbath day and the Sabbath year. However, the differences between the laws are not as stark as is sometimes maintained.

CHAPTER THREE

THE LIFE-SETTING (*SITZ-IM-LEBEN*) OF THE JUBILEE

Having observed many of the texts, practices, and customs that form the background to the Israelite jubilee year, it seems appropriate to discuss when and by whom this institution actually was established in Israel. Since it is universally agreed that the jubilee legislation was promulgated from Israelite priestly circles, the question of the *Sitz-im-Leben* of the jubilee is essentially one of dating: to which period in the development of ancient Israel should the jubilee be ascribed?

This question is complicated by several factors which need to be taken into account when speaking of the dating of biblical texts.¹ First, there may be a distinction between the date of the referent of the text and the date of the text itself. In the case of Lev 25, the referent is the institution of the jubilee—which may have been in existence before the text of Lev 25 was composed. Second, a text may undergo development. An old biblical text—stemming from pre-monarchic times, for example—may undergo successive updatings and revisions all the way into the post-exilic period. Thus, for such a text one cannot speak of a single “date” of the text, but only “dates” of the successive layers. Finally, a given text is usually found within a context, which may or may not date from the same period as the text. Lev 25 is presently part of the Holiness Code, the dating of which is disputed. Lev 25 may have been composed at the same time as the Code; it could be an old piece of legislation assumed into the Code; or it could be a late interpolation into the Code. Thus, the date of the Holiness Code does not necessarily indicate the date of the jubilee.²

¹ For a good discussion of the difficulty in dating ancient legal texts, see Raymond Westbrook, *Property and the Family in Biblical Law* (JSOTSup 113; Sheffield: JSOT Press, 1991), 55.

² Stephen A. Kaufman, “A Reconstruction of the Social Welfare Systems of Ancient Israel,” in *In the Shelter of Elyon* (ed. W. B. Barrick and J. R. Spencer; JSOTSup 31; Sheffield: JSOT Press, 1984), 278–79; cf. Christopher J. H. Wright, *God’s People in God’s Land: Family, Land, and Property in the Old Testament* (Grand Rapids: Eerdmans, 1990), 58–59.

1. *Overview of Scholarship*

The question of the date of the jubilee legislation has received a wide variety of answers in the history of modern biblical scholarship.

The traditional answer, formulated by Wellhausen and based on his reconstruction of the development of ancient Israelite religion, is that the jubilee is an “artificial institution” created by priests in the exile or post-exilic period.³ In this view, it is considered obvious that Lev 25 adapts Deut 15, and therefore post-dates Deut 15 in terms of literary, religious, and historical development. Since it is also considered a given that Deuteronomy was composed in the time of Josiah, the perceived dependence of Lev 25 on Deut 15 is the main support for its “late” (exilic or post-exilic) dating. This by-now-traditional view remains widespread, especially in German scholarship.⁴

There have always been dissenters from Wellhausen’s position. Already in 1922 there appeared a major monograph devoted to demonstrating a pre-monarchic setting for the jubilee.⁵ This view reached a certain degree of ascendancy under the influence of the Albright school in the middle of the last century. As recently as fifty years ago, Robert G. North, S.J.—in the most extensive monograph on the subject in modern times—could confidently assert that the jubilee legislation arose in the settlement period.⁶ His position received support at the time,⁷ and has continued to have defenders to the present day.⁸

³ Julius Wellhausen, *Prolegomena to the History of Israel* (Atlanta: Scholars Press, 1994), 118–20, esp. 119; repr. of *Prolegomena to the History of Israel* (trans. J. Sutherland Black and Allen Enzies, with preface by W. Robertson Smith; Edinburgh: Adam & Charles Black, 1885); trans. of *Prolegomena zur Geschichte Israels* (2nd ed. Berlin: G. Reimer, 1883).

⁴ E.g. Innocenzo Cardellini, *Die biblischen ‘Sklaven’-Gesetze im Lichte des keilschriftlichen Sklavenrechts* (BBB 55; Bonn: Peter Hanstein, 1981): 369–75; Norbert Lohfink, “The Kingdom of God and the Economy in the Bible,” *Communio* 13 (1986): 222; Gnana Robinson, “Das Jubel-Jahr: Die Lösung einer sozial-ökonomischen Krise des Volkes Gottes,” in *Ernten, was man sät: Festschrift für Klaus Koch zu seinem 65. Geburtstag* (ed. Dwight R. Daniels et al.; Neukirchen-Vluyn: Neukirchener Verlag, 1991), 471–94; Rainer Albertz, “Die Tora Gottes gegen die wirtschaftlichen Sachzwänge,” *Ökumenische Rundschau* 44 (1995): 290–310, esp. 294–306.

⁵ Henry Schaeffer, *Hebrew Tribal Economy and the Jubilee as Illustrated in Semitic and Indo-European Village Communities* (Leipzig: J.C. Hinrichs, 1922), esp. 64–119.

⁶ Robert North, S.J., *Sociology of the Biblical Jubilee* (AnBib 4; Rome: Pontifical Biblical Institute, 1954), 212 *et passim*.

⁷ William F. Albright, review of North, *Sociology of the Biblical Jubilee*, *Bib* 37 (1956): 488–90.

⁸ John E. Hartley, *Leviticus* (WBC 4; Dallas: Word, 1992), xlii, 427–28. Cf. Anton

Shortly after the publication of North's monograph, Eduard Neufeld produced an extensive study arguing that the jubilee, though having its roots in the tribal period, was promulgated during the monarchy as a priestly reaction to urban-monarchic encroachments upon the traditional socio-religious fabric of Israel.⁹ This view has received some support, being championed most recently by Jacob Milgrom.¹⁰

With the death of Albright, the waning influence of his perspective, and the rise of "minimalism" in the historiography of ancient Israel, post-exilic datings of the jubilee have returned to prominence.¹¹ One variation of the post-exilic hypothesis for the origin of the jubilee posits its creation by "the priests" in the Babylonian exile as a ploy to regain their lands upon their return under Cyrus. This theory was apparently first formulated by Gerhard Wallis in 1969,¹² probably under the influence of N. M. Nikolskij.¹³ Since then it has been taken up and

Jirku, "Das israelitische Jubeljahr," in *Reinhold Seeberg Festschrift, Zweite Band: Zur Praxis des Christentums* (ed. Wilhelm Koepf; Leipzig: Scholl, 1929), 169–79; repr. in *Von Jerusalem nach Ugarit* (Graz, Aus.: Akademische Druck- und Verlagsanstalt, 1966), 319–29; Shmuel Safrai, "Jubilee," *EncJud* 14:577; Ben Z. Wacholder, "Sabbatical Year," *IDBSup*, 762–63; Adrianus van Selms, "Jubilee," *IDBSup*, 496–98; I. Schiffmann, "Die Grundeigentumsverhältnisse in Palästina in der ersten Hälfte des 1. Jahrtausends v. u. Z.," in *Wirtschaft und Gesellschaft im Alten Vorderasien* (ed. J. Harmatta und G. Komoróczy; Budapest: Akadémiai Kiadó, 1976), 468; J. van der Ploeg, "Studies in Hebrew Law," *CBQ* 13 (1951): 169. The following scholars essentially favor an early date with allowances for later redactional adjustments: Albrecht Alt, "The Origins of Israelite Law," in *Essays on Old Testament History and Religion* (trans. R. A. Wilson; Sheffield: JSOT Press, 1989): 80–132, 128–29; repr. and trans. of "Die Ursprünge des Israelitischen Rechts," *Berichte über die Verhandlungen der Sächsischen Akademie der Wissenschaft zu Leipzig, Philologisch-historisch Klasse* 86.1 (1934) 71–130; Donald W. Blosser, "Jesus and the Jubilee (Luke 4:16–30): The Year of Jubilee and Its Significance in the Gospel of Luke," (Ph.D. diss.; St. Andrew's University, 1979), 22, 46; Moshe Weinfeld, "Sabbatical Year and Jubilee in the Pentateuchal Laws and their Ancient Near Eastern Background," in *Law in the Bible and Its Environment* (ed. T. Veijola; Göttingen: Vandenhoeck & Ruprecht, 1990), 59–61.

⁹ Eduard Neufeld, "Socio-economic Background of *Yōbēl* and *Š'mittā*," *RSO* 33 (1958): 53–124.

¹⁰ H. Eberhard von Waldow, "Social Responsibility and Social Structure in Early Israel," *CBQ* 32 (1970): 182–204; Hans Wildberger, "Israel und sein Land," *EvTh* 16 (1956): 404–22, esp. 413–15; Sara Japhet, "The Relationship between the Legal Corpora in the Pentateuch in Light of Manumission Laws," in *Studies in the Bible* (ed. S. Japhet; ScrHier 31; Jerusalem: Magnes, 1986): 63–89, esp. 77–78; Jacob Milgrom, *Leviticus* 23–27 (AB 3c; New York: Doubleday, 2000), 2241–45.

¹¹ North, *The Biblical Jubilee . . . After Fifty Years* (AnBib 145; Rome: Pontifical Biblical Institute, 2000), 114. See also pp. 11–12, 18, 19, 31, 82, 83, 97, 103, 108, 112, 113.

¹² Gerhard Wallis, "Das Jubeljahr-Gesetz, eine Novelle zum Sabbathjahr-Gesetz," *MIOF* 5 (1969): 344–45.

¹³ N. M. Nikolskij's work on the jubilee was published in Russian and is accessible to most biblical scholars only through the review by Hempel, *ZAW* 50 (1932):

repeated with slight variations by a large number of scholars,¹⁴ most recently winning the qualified approval of Robert North himself.¹⁵ We have critiqued this hypothesis at length elsewhere.¹⁶

2. *The Pre-Exilic, Tribal Sitz-im-Leben of the Jubilee*

Despite the trend of current fashion toward placing most biblical material in the post-exilic period, it will be argued here that the *institution of the jubilee*—and at least some of the language used to describe it in Lev 25—fits comfortably within pre-exilic, tribal Israel. This position is based on five considerations: (1) the evidence of the priority of the Holiness Code (and thus Lev 25) to the Book of Ezekiel; (2) the similarities between the jubilee legislation and ancient Near Eastern law and practice from the second millennium, (3) certain examples of ancient diction in the text, (4) the congruence of the jubilee—and indeed, much of the Holiness Code—with contemporary reconstructions of early pre-exilic Israel, and (5) the widespread recognition of the ancient and tribal roots of the jubilee even among scholars who date Lev 25 much later in Israel's history.

2.1. *The Book of Ezekiel and the Late Pre-Exilic Period as Terminus ad Quem*

Because of the evidence of a strong literary relationship between the Book of Ezekiel and the Pentateuch, Ezekiel has always played an

216. Gerhard Wallis wrote "Das Jubeljahr-Gesetz" from the former German Democratic Republic (East Germany).

¹⁴ Cardellini, *'Sklaven'-Gesetze*, 369–75; Sharon H. Ringe, *Jesus, Liberation, and the Biblical Jubilee: Images for Ethics and Christology* (OBT 19; Philadelphia: Fortress Press, 1985), 26; Marvin L. Chaney, "Debt Easement in Israelite History and Tradition," in *The Bible and the Politics of Exegesis: Essays in Honor of Norman K. Gottwald on His Sixty-Fifth Birthday* (ed. David Jobling et al.; Cleveland: The Pilgrim Press, 1991), 127–39, esp. 138–39; Gnana Robinson, "Das Jubel-Jahr," 471–94; Jeffrey A. Fager, *Land Tenure and the Biblical Jubilee: Uncovering Hebrew Ethics through the Sociology of Knowledge* (JSOTSup 155; Sheffield: Sheffield Academic Press, 1993), 60–63; Norman C. Habel, *The Land is Mine: Six Biblical Land Ideologies* (OBT; Minneapolis: Fortress, 1995), 97–114, esp. 113; Norman K. Gottwald, "The Biblical Jubilee: In Whose Interests?" in *The Jubilee Challenge: Utopia or Possibility?* (ed. Hans Ucko; Geneva: WCC Publications, 1997), 37. To the contrary, see Henning Graf Reventlow, *Das Heiligtums-gesetz formgeschichtliche untersucht* (WMANT 6; Neukirchen: Neukirchener Verlag, 1961), 139–41, who emphatically denies the post-exilic dating and the arguments from silence supporting it.

¹⁵ North, *After Fifty Years*, 114.

¹⁶ See John S. Bergsma, "The Jubilee: A Post-Exilic Priestly Attempt to Reclaim Lands?" *Bib* 84 (2003): 225–46.

important role in discussions of the relative and absolute dating of the Pentateuchal literary strata, generating a large body of literature.¹⁷ Wellhausen considered Ezekiel to be a forerunner of the Priestly traditions, forming a literary bridge between pre-exilic Israelite literature and the post-exilic Priestly Source.¹⁸ Yehezkel Kaufmann understood the Priestly materials to be pre-exilic, and saw Ezekiel as borrowing, quoting, and even revising or undermining them.¹⁹ The place of Ezekiel in the development of Israel's Scriptures has remained a matter of debate between Wellhausen's and Kaufmann's followers, and various mediating positions have been advanced.²⁰

What has been lacking until recently is a close, systematic analysis of the shared terminology between Ezekiel and the Priestly texts, including the Holiness Code, with careful attention to the probable direction of literary dependence. This analysis has now been provided by Risa Levitt Kohn.²¹ Levitt Kohn examines in detail 97 terms, expressions, and idioms common to Ezekiel and Priestly Source (which for her purposes includes the Holiness Code, Lev 17–26).²² She

¹⁷ Some of the earlier literature on the subject includes Karl Heinrich Graf, *Die Geschichtlichen Bücher des Alten Testaments* (Leipzig: T. O. Weigel, 1866), 81; August Klostermann, "Beiträge zur Entstehungsgeschichte des Pentateuchs," *Zeitschrift für lutherische Theologie und Kirche* 38 (1877): 401–45; Rudolf Smend, *Der Prophet Ezechiel* (Kurzgefasstes exegetisches Handbuch zum Alten Testament; Leipzig: S. Hirzel, 1880), xxv–xxvii; L. Horst, *Leviticus xvii–xxvi und Hezekiel. Ein Beitrag zur Pentateuchkritik* (Colmar: Eugen Barth, 1881).

¹⁸ Wellhausen, *Prolegomena*, esp. 371–413.

¹⁹ Yehezkel Kaufmann, *The Religion of Israel from its Beginning to the Babylonian Exile* (trans. M. Greenberg; New York: Schocken Books, 1972), esp. 433–35.

²⁰ Most notably by Klostermann, "Beiträge," and Reventlow, *Heiligkeitgesetz* esp. 30; but also see Horst, *Leviticus*, who regards Ezekiel himself as having compiled Lev 17–26 from pre-existent documents; L. E. Elliot-Binns, "Some Problems of the Holiness Code," *JAW* 67 (1955): 26–40, who similarly argues that Lev 17–26 was available to Ezekiel, though as independent texts. Menachem Haran argues that P and Ezekiel do not know each other but stem from the same tradition ("The Law-Code of Ezekiel XL–XLVIII and its Relation to the Priestly School," *HUCA* 50 [1979]: 45–71).

²¹ Risa Levitt Kohn, "A New Heart and a New Soul: Ezekiel, the Exile and the Torah," (Ph.D. Dissertation; University of California, San Diego, 1997); idem, *A New Heart and a New Soul: Ezekiel, the Exile, and the Torah* (JSOTSup 358; Sheffield: Sheffield Academic, 2002); idem, "A Prophet Like Moses? Rethinking Ezekiel's Relationship to the Torah," *JAW* 114 (2002): 236–54. Also of relevance is the work of Jacob Milgrom, especially "Leviticus 26 and Ezekiel," in *The Quest for Context and Meaning: Studies in Biblical Intertextuality in Honor of James A. Sanders* (eds. Craig A. Evans and Shemaryahu Talmon; Leiden: Brill, 1997), 57–62; and *Leviticus 17–22: A New Translation with Introduction and Commentary* (AB 3a; New York: Doubleday, 2000), 1362.

²² See Levitt Kohn, *New Heart*, esp. 30–85. On the Holiness Code in particular, see discussion on p. 85. Levitt Kohn does not distinguish between Priestly and Holiness texts: for her, "P" and "Priestly" includes everything ascribed to H.

demonstrates that, where it is possible to assess the direction of dependence, it points invariably from P/H to Ezekiel.²³

Particularly persuasive are Kohn's examples of "reversals" in Ezekiel's use of Priestly/Holiness terminology, in which terminology carrying a positive valence in P/H is re-used in a strikingly negative sense in Ezekiel. For example, the phrase "land of their sojourning" (אֶרֶץ מְנוּחָה) in P/H refers only to the promised land of Canaan, whereas in Ezekiel it refers to the lands in which Israel is scattered in exile.²⁴ The phrase "a pleasing odor" (רִיחַ נִיחֹחַ) in P/H results from various sacrifices to the LORD, whereas in Ezekiel it describes pagan practices.²⁵ The expression "very greatly" (בְּמֵאֵד מְאֹד) in P/H refers to the fruitfulness of the patriarchs and Israel, while in Ezekiel it describes the enormity of Israel's sins.²⁶ Based on this and other evidence, Levitt Kohn concludes:

In each of these examples, the direction of influence apparently moves from P to Ezekiel. A term or expression with a positive connotation in P takes on a negative overtone in Ezekiel. . . . Ezekiel parodies P language by using terms antithetically. It is virtually impossible to image that the Priestly Writer would have composed Israelite history by transforming images of Israel's apostasy and subsequent downfall from Ezekiel into images conveying the exceptional covenant and unique relationship between Israel and Yahweh. Indeed, it is difficult to imagine that the Priestly Writer could have turned Ezekiel's land of exile (אֶרֶץ מְנוּחָה) into Israel's land of promise, Israel's enemies (קְהָל עֲמִים) in to a sign of fecundity, or Israel's abundant sin (בְּמֵאֵד מְאֹד) into a sign of Yahweh's covenant. It is, however, plausible that Ezekiel, writing in exile, re-evaluated P's portrayal of Israel's uniqueness, cynically inverting these images so that what was once a "pleasing odor to Yahweh" now symbolizes impiety and irreverence.²⁷

In sum, Levitt Kohn presents a strong case that Ezekiel knows and uses the Priestly and Holiness texts, and therefore P and H antedate Ezekiel.²⁸ This agrees with our own analysis of the literary relationship

²³ See Levitt Kohn, *New Heart*, 84–85.

²⁴ Gen 17:8; 28:4, 36:7, 37:1; Exod 6:4; Ezek 20:38, and Levitt Kohn, *New Heart*, 76.

²⁵ See esp. Lev 17:6; 23:13, 18; Ezek 6:13, 19; 20:28, 41, and Levitt Kohn, *New Heart*, 76–77.

²⁶ Gen 17:2, 6, 20; Exod 1:7; Ezek 9:9; and Levitt Kohn, *New Heart*, 77.

²⁷ Levitt Kohn, *New Heart*, 77–78.

²⁸ Mention should be made of some other important studies that place the P and H material in the pre-exilic period, e.g. Jan Joosten, *People and Land in the Holiness*

of Lev 25 and Ezekiel (esp. Ezek 46:16–18), which will be discussed below (Chapter 7).

Much or all of Ezekiel, in turn, can be dated with confidence to the early exile.²⁹ Lawrence Boadt, for example, in speaking of the composition of both Jeremiah and Ezekiel, asserts the following:

So much work has been done on this question that it need not be in doubt that the editorial process involved written materials both from and about the two prophets, and that both books were put together within a relatively short period of time. Ezekiel perhaps not much after 571, since there is no evidence of any awareness of the world of Second Isaiah after 547.³⁰

Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26 (VTSup 67; Leiden: Brill, 1996); Moshe Weinfeld, *The Place of the Law in the Religion of Ancient Israel* (VTSup 100; Leiden: Brill, 2004); and Avi Hurvitz, *A Linguistic Study of the Relationship between the Priestly Source and the Book of Ezekiel: A New Approach to an Old Problem* (Cahiers de la Revue biblique; Paris: J. Gabalda, 1982). Hurvitz's classic linguistic work on Ezekiel and P continues to be controversial, with Hurvitz, Milgrom, and Joseph Blenkinsopp debating the issues in the pages of *JAOW*. Jacob Milgrom's commentaries on Leviticus in the Anchor Bible series have presented one long sustained argument for a pre-exilic, at times pre-monarchic, life-setting for P and H. In my opinion, the scholarly community has not yet come to grips with the severity of the challenge Milgrom has mounted to the traditional dating of P and H. On the priority of H to Ezekiel, see Milgrom's important study, "Leviticus 26 and Ezekiel," 57–62. See also idem, "The Antiquity of the Priestly Source: A Reply to Joseph Blenkinsopp," *JAOW* 111 (1999): 10–22, esp. 13–14: "Ezekiel had all of H . . . before him, the language and ideas of which he refashioned. Thus, nearly all of H is pre-exilic; all the more so P"; and idem, "Does H Advocate the Centralization of Worship?" *JSOT* 88 (2000): 59–76.

²⁹ See, for example, the arguments in Walther Zimmerli, "The Special Form- and Tradition-historical Character of Ezekiel's Prophecy," *VT* 15 (1965): 515–16; Laurence Boadt, *Ezekiel's Oracles against Egypt* (BibOr 37; Rome: Pontifical Biblical Institute, 1980); Bernhard Lang, *Kein Aufstand in Jerusalem: Die Politik des Propheten Ezechiel* (Stuttgarter Biblische Beiträge; Stuttgart: Katholisches Bibelwerk, 1981); Zimmerli, *Ezekiel 1*, 68–73; Moshe Greenberg, *Ezekiel 1–20* (AB 22; New York: Doubleday, 1983), 18–27; idem, "What Are Valid Criteria for Determining Inauthentic Matter in Ezekiel?" in *Ezekiel and His Book* (ed. J. Lust; Leuven: Leuven University Press, 1986), 123–35; Terence Collins, *The Mantle of Elijah: The Redactional Criticism of the Prophetic Books* (The Biblical Seminar 20; Sheffield: Sheffield Academic Press, 1993), 91–93; E. F. Davis, *Swallowing the Scroll: Textuality and the Dynamics of Discourse in Ezekiel's Prophecy* (JSOTSup 78; Sheffield: Sheffield Academic Press, 1989); Leslie C. Allen, *Ezekiel 1–19* (WBC 28; Dallas: Word, 1986); *Ezekiel 20–48* (WBC 29; Dallas: Word, 1990); and Daniel I. Block, *The Book of Ezekiel: Chapters 1–24* (NICOT; Grand Rapids: Eerdmans, 1997), 17–23. For a review of scholarship before 1992, see K. P. Darr, "Ezekiel Among the Critics," *CR* 2 (1992): 9–24.

³⁰ Lawrence Boadt, "Do Jeremiah and Ezekiel Share a Common View of the Exile?" (paper presented at the annual meeting of the SBL, Atlanta, 22 November 2003), 40.

Furthermore, the historical references in Ezekiel match well the known historical data for the exilic period, and the vision of Ezek 40–48 imagines that the restoration of Israel will take place sooner (notably, while the prophet is still alive, cf. Ezek 43:18–27) and in a different manner than it actually did.³¹ It is difficult to explain these facts if Ezekiel was composed or extensively edited in the post-exilic period.³²

If the Holiness Code predates the Book of Ezekiel, and Ezekiel is largely completed, as Boadt and others suggest, in the first half of the exile, it follows that the Holiness Code, of which Lev 25 is an important component, is pre-exilic. This establishes the end of the pre-exilic period as a *terminus ad quem* for Lev 25 and the life-setting of the jubilee. Moreover, the following arguments suggest that it is earlier, rather than later, in the pre-exilic period that the jubilee should be placed.

2.2. *Similarities with Ancient Near Eastern Law and Practice.*

The ancient Near Eastern analogues of the jubilee were enumerated in the previous chapter. It was seen that already in the second millennium B.C.E., the principle of inalienability of ancestral land; the right of redemption by the original owner; the proclamation of edicts of “freedom” affecting land, debts, and slaves; and other elements present in Lev 25 were known in at least several parts of the Near East. Curiously, although the tradition of freedom proclamations in the ancient Near East continued into Hellenistic times, the Mesopotamian *misharum* and *andurarum* edicts most similar to the jubilee legislation come from the Old Babylonian period:

Tatsächlich sind die Nachlaßedikte, welche dem hebräischen Jubeljahr ähnlich sind, nur für die altbabylonische Zeit (2000–1600 v.Chr) sehr gut

³¹ For example, Ezek 45:1–12 assumes the entire land of Israel will be restored, the northern tribes will return from exile, and a “prince” (almost surely a Davidide, cf. e.g. Ezek 37:24) will rule the people once more. None of this transpired in the aftermath of Cyrus’ decree in 537 B.C.E.

³² The tradition of dating Ezekiel to the post-exilic period, or claiming that it has a very long compositional history extending into that period, seems to have arisen not so much from any references to post-exilic realities in the text of the book as from an effort to preserve the tradition of a late composition/redaction of the Pentateuch, especially P. A classic case of this is the work of M. Burrows, *The Literary Relations of Ezekiel* (New York: JPS, 1925). Burrows endeavored to show that Ezekiel knows and uses the entire Torah, including the priestly traditions. On that basis, he concluded *not* that the entire Torah is pre-exilic, but that Ezekiel is a product of the late Second Temple period. For a critique of the tendency to dismiss parts of Ezekiel as post-exilic redaction, see Greenberg, “What Are Valid Criteria?”

dokumentiert. In dieser Zeitepoche begegnet die Verfügung nicht nur in mesopotamischen Quellen, sondern auch in Dokumenten aus Syrien und Anatolien.³³

While this evidence does not in itself demonstrate the antiquity of the jubilee, it *does* show that there are no compelling arguments for the lateness of the jubilee based on historical-cultural development. The institution does not look out of place in a second-millennium ancient Near Eastern context.

2.3. *Ancient Diction*

As Hartley points out, Lev 25 makes use of several apparently ancient terms. Primary among these is the word יובל itself. The meaning and etymology of this word are uncertain. It occurs only in Lev 25, 27, and Num 34. It does not occur in undisputed exilic or post-exilic literature in the Hebrew Bible; in Ezekiel's reference to the jubilee year (Ezek 47:17) it is simply called "the year of release" (שנת דרור), perhaps indicating that by the time Ezekiel was composed, the term יובל had fallen out of general use. Significantly, however, the statement of Lev 25:10, "It [the fiftieth year] will be a Jubilee for you," assumes that the reader/listener knows what a jubilee is, i.e. the text presupposes some prior knowledge of the meaning of יובל. At least two conclusions can be drawn from this datum: (1) the jubilee cannot be a pure invention of the P or H writer, since his intended audience already is familiar with the concept; and (2) even if H were dated to the exilic period, arguably Lev 25 is speaking about a known—and therefore pre-exilic—institution.

In the opinion of the majority of scholars, יובל is an antique term for "ram's horn," which was gradually replaced with שופר.³⁴ Joshua 6:4, 6, 8, 13 are cited as evidence for this, since in these verses the term יובלים appears glossed with שופרות.³⁵ If this is indeed the correct etymology, then the original name for the jubilee year must have been

³³ Cristina Simonetti, "Die Nachlaßedikte in Mesopotamien und im antiken Syrien," in *Das Jubeljahr im Wandel* (ed. G. Scheuermann; Forschung zur Bibel 94; Würzburg: Echter, 2000), 5. This admission by Simonetti is all the more interesting, since Simonetti herself does not support the antiquity of the jubilee legislation.

³⁴ Noth, *Leviticus: A Commentary* (OTL; London: SCM Press, 1965), 184: "The name 'jubilee year' comes from a time and tradition older than the present formulation of the ordinances for the year of jubilee—a time when it was still customary to use the word *yōbēl* for ram's horn, and not the word current later, *šōpār*."

³⁵ Gordon Wenham, *The Book of Leviticus* (NICOT 3; Grand Rapids: Eerdmans, 1979), 319.

something like “year of the blowing of the ram’s horn,” (שנת תרועת) (היובל).³⁶ If this is the case, however, then the יובל must have been a living institution in existence prior to the final formulation of Lev 25 for a length of time sufficient for שנת תרועת היובל to become shortened by use to simply יובל. If, then, the term יובל is etymologically derived from “ram’s horn,” it is evidence for the antiquity and actual practice of the institution in some form.

Other archaic terms in Lev 25 include פרך, “harshness, rigor,” a very obscure lexeme: it occurs only in vv. 43, 46, 53, Exod 1:13–14, and Ezek 34:4—in which Ezekiel is dependent on the earlier sources.³⁷ It is completely absent from undisputed post-exilic and Mishnaic Hebrew. Besides פרך, there are the terms מוֹךְ, “become poor,” and (ל)צמחה, “forever,” which do not occur elsewhere in the Hebrew Bible and have nearly identical thirteenth-century Ugaritic cognates.³⁸ The cognate of צמחה, *šmd*, was commonly used in legal documents from Ugarit in the formula *šamid adi dariti* to indicate transfer of property in perpetuity. This is exactly parallel to the לצמיתת . . . לדרתיו of v. 30.³⁹ It appears to be an ancient *terminus technicus*; in the rest of Biblical and Qumran Hebrew, the concept of “forever” is expressed by לעד, לעלם, or other constructions.

2.4. Congruence with Contemporary Reconstructions of Early Tribal Israel

However, it is not just the appearance of archaic terms in Lev 25 that gives evidence of the antiquity of the legislation. Rather, it is something more integral to the text: the kind of society it presupposes and the principles it espouses are remarkably congruent with the shape of the best modern reconstructions of the society of pre-monarchic, tribal Israel.

Karel van der Toorn’s seminal work *Family Religion in Babylonia, Syria, and Israel* is not the first to sketch the contours of pre-monarchic Israelite society.⁴⁰ His results in many ways were anticipated by

³⁶ On this see Julius Morgenstern, “Jubilee, Year of,” *IDB* 2:1001b.

³⁷ See below, Chapter 7 on Ezekiel’s relationship to the Holiness Code.

³⁸ Hartley, *Leviticus*, 428. On מוֹךְ, see Cyrus H. Gordon, *Ugaritic Textbook* (AO 38; Rome: Pontifical Biblical Institute, 1998), #1473. The term צמחה occurs only in Lev 25:23, 30; and מוֹךְ only in Lev 25:25, 35, 39, 47 and 27:8, also a jubilee pericope.

³⁹ Jacob J. Rabinowitz, “A Biblical Parallel to a Legal Formula From Ugarit,” *VT* 8 (1958): 95.

⁴⁰ Karel van der Toorn, *Family Religion in Babylonia, Syria, and Israel: Continuity and Change in the Forms of Religious Life* (Studies in the History and Culture of the Ancient Near East 7; Leiden: Brill, 1996), 183–205.

Schaeffer,⁴¹ Neufeld,⁴² J. J. Finkelstein,⁴³ Israel Finkelstein,⁴⁴ and others. Nonetheless, as a recent and authoritative work pertinent to the subject, it will be the point of reference for the discussion below.

The similarities between the values and practices of tribal Israel and those presupposed or espoused by Lev 25 may be grouped according to the following categories:

2.4.1. *The Sacrality and Inalienability of the Land*

As van der Toorn points out, in tribal Israel the inherited land was “sacred.”⁴⁵ The sacredness of the land is evident in Lev 25: unlike Exod 23:10–11 (in which the seventh year is only explicitly linked to social concerns) and Deut 15 (which does not mention following the land), in Lev 25 the sabbatical year is first of all *for the sake of the land* (vv. 2, 4, 5; cf. Lev 26:34–35). As sacred property, only God is its true owner (Lev 25:23). (Or possibly: because God owns the land, it is sacred.) As throughout the Holiness Code, the land is frequently personified: it must rest and be redeemed just as human beings must be. The inalienability of the land flowed from its sacrality.

The whole focus of Lev 25 is to prevent the alienation of the divine servant—the Israelite (v. 55)—from his possession (אֲדָמָה), which can happen either through selling the land (vv. 25–28) or selling himself (vv. 39–55). Several lines of defense against such separation are instituted: the *go’el* (v. 25, etc.), self-redemption (v. 26, etc), interest-free loans (vv. 35–38), and finally the jubilee (v. 54). The jubilee was the last “safety net” to insure the continued possession of ancestral property. All other possibilities might fail, but the jubilee would not.⁴⁶

It is common to concede the antiquity of the other methods of redemption in Lev 25 but claim the jubilee itself is a late addition.⁴⁷ There is no textual basis for this, of course, for the jubilee is well-integrated throughout the chapter, and not confined to a few verses

⁴¹ Schaeffer, *Hebrew Tribal Economy*.

⁴² Neufeld, “Socio-economic Background.”

⁴³ J. J. Finkelstein, “Some New *Misharum* Material and its Implications,” *AS* 16 (1965): 225–31.

⁴⁴ Israel Finkelstein, “The Emergence of the Monarchy in Israel: The Environmental and Socio-Economic Aspects,” *JSTOT* 44 (1989): 43–47.

⁴⁵ van der Toorn, *Family Religion*, 207.

⁴⁶ Milgrom, *Leviticus* 23–27, 2189: “The jubilee guarantees redemption in case the *gē’ullā* institution did not work. Indeed, this is probably the reason why the jubilee was instituted in the first place.” Compare Henry Schaeffer, *The Social Legislation of the Primitive Semites* (New Haven: Yale University Press, 1915), 165–71.

⁴⁷ See most recently North, *After Fifty Years*, 114.

which can easily be isolated and attributed to a late redactor. Furthermore, in terms of social-historical development, there is no reason to suppose the jubilee is “late” in origin. It would not have taken the tribal Israelites more than one or two generations to discover that there were cases in which there was no לִבְיֹשֶׁת and self-redemption was impossible. Given the abhorrence of the possibility of the alienation of ancestral land and the “disappearance of the name of the deceased from among his kinsmen,”⁴⁸ it is reasonable that an institution such as the jubilee would have been established if it did not already exist. Similar institutions did exist in surrounding societies (*andurarum* and *misharum* proclamations). Furthermore, Jeffrey H. Tigay argues—to the contrary of those scholars who dismiss it as a late insertion into the text—that the fifty-year cycle of the jubilee is in fact an indication of the tribal milieu from which the legislation arises:

The orientation of Leviticus’s system is indicated by the fact that it allows an indentured servant to serve for as long as fifty years before he and his family go free. Since the average number of years served would be twenty-five, it is clear that many indentured servants would regain their freedom only in old age, and some would not live long enough to go free at all. This implies that the system in Leviticus is designed to benefit families more than individuals. Even though an individual might not regain his freedom, his family eventually would. *This system seems to approach the problem from the perspective of tribal society*, which thought of itself as an aggregate of clans and families rather than individuals. Leviticus’s provisions for the return of land reflect the same perspective: land that is sold because of poverty to satisfy debts is to be returned to its original owners in the fiftieth year (that is, the jubilee year). In this case, too, it would often be the descendants of the owner who benefit, not the owner himself. That the interests of the tribe or clan are paramount in Leviticus is also clear from the law calling upon the owner’s kinsmen to redeem the land from the purchaser earlier than the jubilee; for the purchaser, not the owner, would then hold the land until the jubilee. The aim of the law is to prevent the clan or tribe from losing part of its land, just as daughters who inherited their father’s land were required to marry within their tribe for this very reason. Leviticus’s law of manumission, likewise, aims to prevent any of the family units of the tribe from being reduced to permanent servitude. Exodus and Deuteronomy, by contrast, serve to protect individuals.⁴⁹

⁴⁸ Ruth 4:11.

⁴⁹ Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: JPS, 1996), 467, emphasis mine.

The complete opposition of the jubilee legislation to any permanent alienation of ancestral property becomes more comprehensible in light of the reverence of tribal Israelites for their forebears. The land was sacred not the least because the ancestors were buried on it. Separation from the ancestral inheritance meant an inability to maintain the graves of the ancestors and pay them whatever religious rites were deemed necessary. Inevitably, their name would be forgotten, passing out of the communal memory—the ultimate form of death. Therefore,

[The] family estate and the ancestor cult were closely intertwined realities: they could not very well be disentangled.⁵⁰ The land was more than an economic asset; it represented the family, joining the ancestors with their progeny and objectifying the irreducible bonds of friendship and descent upon which the early Israelite society was founded.⁵¹

Since the cult of the ancestors fell out of practice and/or was stigmatized in later Israelite religion and early Judaism, this aspect of early Israelite religion and its implications for land tenure policies has been largely overlooked.

2.4.2. *The Prominence of the Clan-structure*

Since “the land represented the family,” the prominence of the land in Lev 25 is difficult to disentangle from the prominence of the clan-structure. The marriage between clan and land is expressed in the principle command of the jubilee in Lev 25:10: “Each of you shall return to his possession (אֲדֹמָתוֹ) and his clan (מִשְׁפַּחָתוֹ).” The clan-based structure of the legislation of Lev 25 is most obvious in the מִן provisions of vv. 23–55, which make frequent reference to the institution of redemption (גְּאֻלָּה), whose natural setting is the tribal society.

⁵⁰ van der Toorn, *Family Religion*, 212. Van der Toorn asserts that pre-monarchic Israelites engaged in full-blown ancestor worship, and that the biblical texts have been “purged” to hide that fact. Whether the evidence for this is conclusive may be doubted—however, an analysis of van der Toorn’s thesis is beyond the present concern. It suffices here to affirm with van der Toorn that the maintenance of the grave and “name” (memory) of the ancestor was an important religious duty of the ancient Israelite (whether the ancestor was deified or not), and intimately bound up with maintaining possession of ancestral property. Further support for this position may be found in Christopher J. H. Wright, *God’s People in God’s Land* (Grand Rapids: Eerdmans, 1990), 69; and Herbert C. Brichto, “Kin, Cult, Land, and Afterlife—A Biblical Complex,” *HUCA* 44 (1973): 1–54.

⁵¹ Karel van der Toorn, “Ancestors and Anthroponyms,” *ZAW* 108 (1996): 1–11. Cf. Frank M. Cross, *From Epic to Canon: History and Literature in Ancient Israel* (Baltimore: Johns Hopkins University Press, 1998), 5, 20

Outside of Lev 25, “the *gēʾullâ* institution is invoked in other situations, all of which predicate a clan-structured society, and, hence, it must be of early pre-exilic provenance.”⁵² The authenticity of the references to the institution of *גֵּאֻלָּה* is supported by the reference in v. 49—in the list of the possible clan-redeemers—to the otherwise obscure figure of the *גִּיד*, who had a unique place in tribal society:

In connection with the term *dôd*, it should be noted that it is not a mere equivalent of *ʾahî ʾab*, ‘brother of the father’, but a designation of the oldest brother of the father having the status of *paterfamilias*. It is in this capacity that he can act as president at the sacrificial meal of the family (1 Samuel 10:13–16), as director of family burials (Leviticus 10:4; Amos 6:10), and as redeemer (Leviticus 25:49).⁵³

It is necessary to re-emphasize the close relationship between clan and land. The clan had a sacred responsibility to ensure the land-rights of its members, as can be seen in the jubilee legislation. The relevant passage from van der Toorn is worth quoting in full:

The clan had to defend the interests of its constituent families. The practice of redemption of the land is a case in point. Each family had the usufruct of a *naḥālâ*, a plot considered to be its ancestral inheritance. Under normal circumstances, the family lived off its land; in times of penury, though, it could be forced to sell the land. Should this come to pass, it was incumbent upon the nearest kin in the clan to buy it, according to the custom of the *gē ʾullâ*. Because the buyer, known as the redeemer (*gōʾēl*) belonged to the clan, the land remained within the kinship group (Jeremiah 32:6–15). For the same reason, members of the *mišpāḥâ* had both the right and the duty to redeem the land of their “brothers” that had been sold to outsiders (Leviticus 25:48). The clan was a body with a corporate responsibility in juridical and ethical matters (Leviticus 20:5; 25:10.41). . . . Perhaps the core element of cohesion in the clan was the common title to the land. Though the ancestral real estate was linked to the *bêt ʾāb*, the outer limit of the right of inheritance was the *mišpāḥâ* (Numbers 27:8–11). The relationship between the family and its *naḥālâ*, as compared to that of the clan and the *naḥālâ*, is perhaps best expressed by saying that the *bêt ʾāb* had the usufruct of its parcel, whereas the *mišpāḥâ* owned it. What was inherited by the son was the land’s possession, not its ownership.⁵⁴

The distinction drawn between the *bêt ʾāb* and the *mišpāḥâ* in terms of usufructary rights vs. ownership of land may be a clue to the oft-

⁵² Milgrom, *Leviticus* 23–27, 2189; citing Cardellini, ‘*Sklaven*’-Gesetze, 280–86.

⁵³ van der Toorn, *Family Religion*, 198.

⁵⁴ van der Toorn, *Family Religion*, 201–2.

discussed difference between the terms *אֶרְכָּלָה* and *נַחֲלָה* in Priestly and Holiness sources. Although in some texts of the Pentateuch the terms are used synonymously, it may be that *אֶרְכָּלָה* originally referred to the “possession” of the *bêt ’āb*, whereas the *נַחֲלָה* indicated the “inheritance” of the clan.

2.4.3. *Simple Economic Conditions*

According to van der Toorn, pre-monarchic (early Iron Age) Israelites subsisted under simple economic conditions. Unlike their neighbors in Mesopotamia or Syria, the early Israelites lived almost exclusively in small- to medium-sized villages, in which almost all the inhabitants were related by blood.⁵⁵ The villages were “basically self-sufficient and did not engage in trade.”⁵⁶

This simple, subsistence economy is presupposed and enforced by the stipulations of the jubilee. The inability to sell land permanently (v. 24) or loan money at interest (v. 37) would be an intolerable burden on an urban, commercial, “proto-capitalist” economy such as developed later in Israel and was already present in urban centers throughout the ancient Near East; in fact, if implemented, it would have destroyed the economy. For this reason, the jubilee is often considered “utopian.”

However, what is “utopian” *depends on the socio-economic context*.⁵⁷ In a tribal society engaged in subsistence agriculture, there is seldom need for land sale or large monetary loans (“venture capital”). The jubilee legislation may have been workable under such conditions.

2.4.4. *The Rural, Agricultural Focus*

As van der Toorn and others have pointed out, early Israel was rural and agrarian. Israelites in the early tribal period controlled few walled cities and did not engage much in surplus production, trade, or industry.⁵⁸

⁵⁵ van der Toorn, *Family Religion*, 183, 190.

⁵⁶ van der Toorn, *Family Religion*, 190. He bases this conclusion on the remarkable “absence of objects and sherds from elsewhere” than the villages themselves (190).

⁵⁷ The North American Amish communities provide a good modern example of a subsistence agrarian culture where monetary loans at interest and other financial procedures deemed “necessary” for the proper functioning of the economy are eschewed. Thus, what is “utopian” for the larger American culture is actual practice within the Amish community.

⁵⁸ van der Toorn, *Family Religion*, 190: “The settlers grew grain, but corn [i.e. grain, not maize] cultivation must have been a new skill to them since their houses lacked appropriate storage facilities.”

It can be seen that legislation of Lev 25 presupposes such a society. The legislation is addressed to people who possess their own arable land (vv. 13–14) and work it themselves (vv. 3–5, 11, 20, 22, etc.). It is regarded as a hardship to have to sell one's land (v. 25). The “utopian state” between God, people, and nature is envisaged as one of agricultural plenty (“the land shall yield its fruit” v. 19) for private consumption (“that you may eat your fill” v. 19). There is no mention of the kind of wealth available through trade or an urban lifestyle.⁵⁹

Nowhere is the rural-agricultural focus clearer than in vv. 29–34, where an exception from the jubilee is made for property in walled cities. These verses look like a later insertion into the text, since they interrupt what is otherwise an orderly progression of clauses dealing with the progressive impoverishment of an Israelite land-owner (vv. 25–28; vv. 35–38; vv. 39–46; vv. 47–55). From this it is clear that within the social context from which the jubilee arose, urban property was considered exceptional.⁶⁰ It was the norm for the populace to dwell in “villages that have no encircling walls”—just as van der Toorn and others would reconstruct pre-monarchic Israel.⁶¹ Verses 29–34 have the appearance of an adjustment to the provisions of the jubilee made when Israelites themselves began to inhabit walled cities, which would have taken place later in Israel's development.⁶² If this is the case, as it appears to be, then it should give pause to all who would dismiss the jubilee as a late invention having no basis in historical practice, because it indicates (1) the essential form of the law took shape before walled cities were common in Israelite society, and (2) the law was practiced to some extent, for had it been purely utopian, it would not have been necessary to revise it in order to take account of changing socio-historical circumstances.⁶³

The presupposition of a rural populace is also evident from the

⁵⁹ Compare the descriptions of wealth in 2 Sam 1:24, Isa 2:6–8; 3:18–24, Amos 6:4–7. Compare also the enumerated blessings in Deut 8, which presuppose greater agricultural diversity (Deut 8:8), mining activity (Deut 8:9), architectural luxury (Deut 8:12), and the accumulation of liquid assets (Deut 8:13). See Weinfeld, *Deuteronomy 1–11* (AB 5; New York: Doubleday, 1991), 35, on the relationship of the blessings and curses in Deuteronomy and Leviticus.

⁶⁰ Moshe Weinfeld, *Social Justice in Ancient Israel and the Ancient Near East* (Jerusalem: Magnes/Minneapolis: Fortress, 1995), 176; Milgrom, *Leviticus 23–27*, 2197–98.

⁶¹ van der Toorn, *Family Religion*, 189.

⁶² As can be inferred from I. Finkelstein, “Emergence of the Monarchy,” esp. 60–61.

⁶³ See Neufeld, “Socio-Economic Background,” 57

stipulations concerning the fallow year. It is envisioned that no harvesting will be done in those years (v. 5, 11, 20) but the entire household (v. 6) will be able to go out and eat directly from the field (vv. 6, 12). This is imaginable when the majority of the populace is living in small villages in close proximity to the cultivated land.⁶⁴ It is far less feasible for large, landless, urban populations who would have to travel large distances to arable fields and then “trespass” in order to eat the produce. The greater the percentage of landless population dependent on surplus production (i.e. urbanites), the more difficult it would be to observe a fallow year.⁶⁵

2.5. *Collateral Evidence from the Holiness Code*

The support for seeing Lev 25 as stemming from early tribal Israel becomes stronger when the passage is viewed as part of the larger Holiness Code, other parts of which also seem to reflect the early tribal society.

This is especially the case in Lev 18, which—van der Toorn argues—presents us with a picture of the extent of the early Israelite *bêt ’āb*:

One of the biblical passages providing us with some details about the size and structure of the Israelite household is Leviticus 18:6–16. . . . The chapter addresses the Israelite male in the prime of his life, head of his family, his aged parents still alive . . . Mother, sister, granddaughter, half-sister, maternal aunt, paternal aunt, daughter-in-law, and sister-in-law are listed as illicit sexual partners for a man; father and paternal uncle are prohibited as sexual partners for a woman. On the assumption that the law forbids those contacts for which there were ready occasions, the chapter proves the actual co-residence of the family group. The prohibitions show that the family, comprising up to four generations in the direct line, actually lived together.⁶⁶

This agrees with archeological evidence, which reveals villages made up of clusters or compounds of two, three, or four houses, each

⁶⁴ van der Toorn, *Family Religion*, 187–90, 202.

⁶⁵ Historically this has been born out under situations that interrupt surplus production (i.e. war). Josephus records the hardships that occurred for urban populations when a fallow year coincided with military siege (*Ant.* xiv. 16, 2 & 4; xv. 1, 2; xiii. 8, 1; *B.ḡ.* i. 2, 4). In more recent times, the winter of 1944–45 brought the urban populations of some European countries (e.g. the Netherlands) to near starvation, whereas rural farmers were at least able to subsist.

⁶⁶ van der Toorn, *Family Religion*, 195.

probably occupied by one nuclear unit of the joint or extended family.⁶⁷

Thus, it is very reasonable to assume that Lev 18 also reflects the society of tribal Israel. Moreover, as Sarah J. Melcher has pointed out,⁶⁸ the sexual regulations of Lev 18 are not unrelated to the land-tenure regulations of Lev 25: the sexual regulations are designed—among other things—to insure the production of offspring whose line of descent and inheritance rights were clear and unambiguous. Consanguinous unions would produce children of conflicting descent whose property rights would be difficult to adjudicate. Thus, Lev 18 implicitly shares with Lev 25 a concern that the ancestral property stay within the proper family line.

The land functions prominently throughout the Holiness Code: indeed, it is personified on several occasions (Lev 18:28, 19:29, 20:22; 26:42).⁶⁹ This is understandable among a people who lived on the land, worked it, ate from it, and returned to it. Most of the festivals in Lev 23 have an agricultural basis. The blessings of Lev 26, aside from victory over enemies, are agricultural in nature (vv. 4–6, 9–10). The first few corresponding curses are similar (vv. 16, 19–20, 22, 26).

A frequently recurring punishment in the Code is to be “cut of from one’s kin,” (18:2; 19:8; 20:5, 17, 18; 23:29, 30). While it remains obscure what this meant in practice, it clearly implies some sort of alienation of the individual from his family and clan: a particularly grievous fate for individuals in a kinship-based, tribal society in which the disappearance of one’s name from among one’s kin was strenuously to be avoided.

Kinship terms function prominently elsewhere as well, particularly in 19:15–18, where the terms אֶחָיִךְ, עַמִּיתֶךָ, עַמִּיךָ, and רֵעֶךָ are used repeatedly and apparently synonymously. The explanation of this is to be sought in the tribal village which “will have been dominated by a single family.”⁷⁰ Thus, a man’s neighbor (רֵעֶךָ) was likely also his “brother” (אֶחָיִךְ), his kinsman (עַמִּיךָ), and his clansman (עַמִּיתֶךָ). This may explain the frequent use of the term אֶחָיִךְ throughout Lev 25.

⁶⁷ van der Toorn, *Family Religion*, 197.

⁶⁸ Sarah J. Melcher, “Kinship and Enculturation: Shaping the Generations in Leviticus 18” (paper presented at the annual meeting of the Eastern Great Lakes Biblical Society, Wheeling, W. Va., 21 March 2002).

⁶⁹ See discussion of the prominence of the land in H, see Joosten, *People and Land*, 137–92.

⁷⁰ van der Toorn, *Family Religion*, 191.

Noting some of the above aspects of the Holiness Code as well as others not mentioned here—e.g. the simplicity of the implied political structure of H—Jan Joosten, in his seminal study on the subject, comes to the conclusion that “the historical conditions addressed by H are those of the pre-exilic period”⁷¹ and “what emerges here is a picture of Israelites living in a social environment in which the political organization of the state is irrelevant.”⁷² Although Joosten prefers to place H in the socio-cultural milieu of the “people of the land” (עַם הָאָרֶץ) in the period of the monarchy,⁷³ his observations would equally support a pre-monarchic setting for the Code. Indeed, the two positions are not mutually exclusive: it seems probable that the “people of the land” would have preserved in their midst the more primitive Israelite socio-legal system that prevailed before the rise of the monarchy.

2.6. *Widespread Recognition of the Tribal Roots of the Jubilee*

It has been demonstrated above that the legislation of Lev 25, in the society it presupposes and the values it espouses, fits well with contemporary reconstructions of early pre-exilic Israelite society. This position may seem unusual, given the current popularity of placing Lev 25 in the post-exilic period. However, a tribal setting for the jubilee is in keeping with the observations of a wide range of scholars, many of whom—for various reasons—nonetheless place the final form of the text at a later date.

For example, although Albrecht Alt asserted that the provisions of the jubilee originally applied every seven rather than forty-nine years, he held that the institution went back to the tribal amphictyony.⁷⁴ Likewise, Gerhard von Rad considered the central principle of the jubilee (Lev 25:23) “very ancient,” and proposed that the roots of the jubilee lay in tribal society where there were two types of land: inherited (נַחֲלָה) and common, which latter was redistributed among tribe members periodically.⁷⁵ Writing after von Rad, Hans Wildberger

⁷¹ Jan Joosten, *People and Land*, 90.

⁷² Joosten, *People and Land*, 92.

⁷³ Joosten, *People and Land*, 91–92.

⁷⁴ Alt, “Origins of Israelite Law,” 80–132, 128–29.

⁷⁵ Gerhard von Rad, “The Promised Land and Yahweh’s Land in the Hexateuch,” (trans. E. W. Trueman Dicken; 1943; repr. in von Rad, *The Problem of the Hexateuch and Other Essays* [trans. Dicken; New York: McGraw-Hill, 1966]), 85–86.

approved Alt's position, commenting that the jubilee "weist tatsächlich in sehr alte Zeit zurück, da der Sippenbesitz in Israel noch intakt und Israel noch ausschließlich ein Bauernvolk war."⁷⁶ Furthermore, "das Heiligkeitgesetz . . . sind zu verstehen als Versuche . . . das alt-israelitische Recht zu reaktivieren,"⁷⁷ but "die Bestimmungen . . . waren zu sehr auf *ein reines Bauernvolk* zugeschnitten"⁷⁸ to be practical in the late pre-exilic period.

Neufeld's major study of the socio-economic background of the jubilee arrived at similar conclusions:

[We] are dealing here with an institution the main ideas of which were deeply rooted and experienced long before Israel's entry into history . . . The *š'mitta* and *yōḥel* presuppose very simple social and economic conditions within the limits of small territory . . . [The insertion of the exception clause for walled cities] is a later ruling arising from the necessity of adjusting the old principle of safeguarding the tribal and family tenure of the land, to the new feature of the possession of house and property in cities. . . . This modification is of great importance, as it emphasizes the obvious tendencies of this law and clearly indicates from what social circles the whole idea of revival of the *yōḥel* emanated.⁷⁹

The jubilee—in Neufeld's opinion—was revived and promulgated in the monarchic period to *restore* old Israelite common law in the face of growing urban economic differentiation that caused "*detrribalization*, many hardships, unemployment, and extreme poverty."⁸⁰ The jubilee's "main elements . . . were part and parcel of the real life factors of ancient Israel's framework."⁸¹

In the same manner, Reventlow concurs with Jirku that

der Ursprung des Gesetzes muß uralt sein . . . Es ist wahrscheinlich, daß sie schon aus der Zeit bald nach der Einwanderung stammen. Wir finden hier eine Übertragung der Wüstensituation auf das Kulturland.⁸²

Nine years after Reventlow, H. E. von Waldow combined Alt's and Neufeld's positions, arguing that an original seven-year jubilee stemmed from "the period before the establishment of a state by the Semitic

⁷⁶ Wildberger, "Israel und sein Land," 414.

⁷⁷ Wildberger, "Israel und sein Land," 416.

⁷⁸ Wildberger, "Israel und sein Land," 417. Emphasis mine.

⁷⁹ Neufeld, "Socio-economic Background," 57.

⁸⁰ Neufeld, "Socio-economic Background," 89, emphasis mine.

⁸¹ Neufeld, "Socio-economic Background," 122.

⁸² Reventlow, "Heiligkeitgesetz," 125.

peoples, a period when their living together was determined by the order of the families, clans, and tribes”⁸³ and was later “modernized” by the priests in reaction to the encroachment of urbanism. Similarly, I. Schiffman—while not taking a position on the date of the final form of the text—holds it as certain that “wir hier eine Rezeption von alten Rechtsnormen vor uns haben, die in Syrien lange vor der Entstehung der jüdisch-israelitischen Gesellschaft existierten,”⁸⁴ and interprets the jubilee against the backdrop of tribal society.⁸⁵

S. A. Kaufman is unwilling to depart from the traditional (Wellhausenian) late dating of all priestly material.⁸⁶ Nonetheless, he holds to the antiquity of the terms יובל, צמחת, and דרור; and is confident that a periodic יובל was observed in “pre-monarchic, pre-urban” Israel, which consisted primarily in re-allocating tribal lands.⁸⁷ Norbert Lohfink, too, will not challenge the late-dating tradition for the *text*, but juxtaposes his discussion of the jubilee *institution* with his description of the pre-monarchic origins of Israel, calling Lev 25 a “renewal” of Israelite land and contract law around the time of the exile.⁸⁸

Sara Japhet is more explicit. Seeing that the “juridical principles embodied in these laws [Lev 25] are entirely rooted in tribal concepts,”⁸⁹ and finding these tribal concepts absent in Deuteronomy, she concludes “the characteristic features of [the Deuteronomic] reform are the abrogation of the conceptual system rooted in tribal society.”⁹⁰ Therefore, in her opinion, Deut 15 post-dates Lev 25.

Like Japhet, Yairah Amit recognizes the tribal background of the jubilee, but curiously uses this as a reason to place the “artificial and unrealistic” legislation in the exilic or post-exilic period, when the

⁸³ von Waldow, “Early Israel,” 184–86, 194–95.

⁸⁴ Schiffmann, “Grundeigentumsverhältnisse,” 468.

⁸⁵ Schiffmann, “Grundeigentumsverhältnisse,” 463–69.

⁸⁶ Kaufman, “Reconstruction,” 278.

⁸⁷ Kaufman, “Reconstruction,” 280; cf. also 285 n. 11: “An awareness of the connection between the Jubilee and tribal society may be preserved in the early Rabbinic midrash that tells us that the Jubilee was never observed after the destruction of Samaria and the ensuing dissolution of the twelve tribes (Sipra, BeHar, 2:3).”

⁸⁸ Lohfink, “Kingdom of God,” 216–31, 219–25.

⁸⁹ Japhet, “Relationship,” 80.

⁹⁰ Japhet, “Relationship,” 88. We concur with Japhet on the priority of H to D, but not on the basis of the textual arguments she presents, which do not seem particularly strong. See most recently the critique by Bernard Levinson, “The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory,” in *Congress Volume Leiden 2004* (ed. André Lemaire; VTSup 109; Leiden: Brill, 2006), 281–324.

priests wished to present “the *tribal period* as the model to be adopted for imitation.”⁹¹

Although other scholars could perhaps be cited⁹² it is sufficient to conclude with the eminent Frank Moore Cross. In his recent study, “Kinship and Covenant in Ancient Israel,” Cross places the origin of the laws of Lev 25 firmly in the pre-monarchic, tribal “amphictyony:”

To the kinship group, the family (*mišpāḥāh*), falls the duty of redemption. Redemption, *gē ’ulāh*, indeed, defines the kinship group (Ezek 11:1), and the verb *gā ’al*, ‘to redeem,’ is often best translated ‘to act as kinsman.’ The duties of the *gō ’el* are several . . . Certain laws, embedded in the Priestly Work and in Deuteronomy, proscribe the taking of interest or rent and require that interest-free loans be given to needy brethren. These laws . . . have their origin in the kinship group, the lineage (*bēt ’āb*) or family (*mišpāḥāh*), which held property in common as an inalienable patrimony.⁹³

Again it is in the historical context of league institutions that the law of the *gō ’el*, the “redeemer,” the law proscribing the taking of interest, and the law of the inalienable patrimony have their natural setting. While we find these laws at present in late settings in the Pentateuch, they run counter to the claims and interests of kingship and monarchy and *could not have been invented in late monarchic times*.⁹⁴

Thus, it can be seen that even among scholars who place the final form of Lev 25 quite late, there is widespread recognition, if not quite

⁹¹ Yairah Amit, “The Jubilee Law—An Attempt at Instituting Social Justice,” in *Justice and Righteousness* (ed. H. G. Reventlow & Y. Hoffman; Sheffield: JSOT Press, 1992), 57–58, emphasis mine.

⁹² E.g. J. R. Porter, *Leviticus* (ed. P. R. Ackroyd et al.; Cambridge Bible Commentary; Cambridge: Cambridge University Press, 1976), 197: “One aim [of the Holiness Code] was to preserve ancient customs from the early days when the Israelites were settling as semi-nomads in Palestine. These tended to fall into disuse when the monarchy brought a new social order.” See also pp. 199, 201–2, 205, and Robert Gnuse, “Jubilee Legislation in Leviticus: Israel’s Vision of Social Reform,” *BTB* 15 (1985): 43–48; Lev 25 “contains very ancient pre-exilic material” (p. 44); it “reflects the economic values of pastoralist Israelites” (p. 45). Compare also Erhard S. Gerstenberger, *Leviticus: A Commentary* (trans. Douglas W. Stott; OTL; Louisville: Westminster/John Knox, 1996), who points out the affinities of the jubilee legislation with “tribal thought” (p. 382) and asserts that “traditional clan structure” undergirds the legislation (p. 394); Tigay, *Deuteronomy*, 466–67; and Fager, *Land Tenure*, 24–34, esp. 29: “This apparent correspondence between the jubilee and ancient tribal ethics suggests the possibility that attitudes toward the land which are reflected in the jubilee reach back to the very beginnings of Israel.”

⁹³ Cross, *From Epic to Canon*, 5.

⁹⁴ Cross, *From Epic to Canon*, 20 [emphasis mine], echoing a sentiment also voiced by Jirku and Reventlow.

a consensus, that many if not all the laws of Lev 25 have their origin in early tribal Israel. If many of these scholars nonetheless favor a late date for Lev 25 in its present form, it can be seen that their motivation stems not from a socio-historical or linguistic analysis of the actual text of the jubilee legislation, but from deference to certain dominant macro-theories of the composition of the Pentateuch and the relative dates of its literary strata.

3. *A Ploy by Post-Exilic Priests?*

Despite the evidence produced above for the ancient origins of the jubilee, the opinion that the legislation originated as a ploy by Israel's priestly class in the early post-exilic period in order to regain their lands lost in the exile remains widespread.⁹⁵ This view has been critiqued at length elsewhere by this author.⁹⁶ Here it is only possible to summarize the main arguments against it.

The main weakness of the "post-exilic priestly ploy" hypothesis is the lack of any clear evidence in the text of Lev 25 that points to the post-exilic period as its *Sitz-im-Leben*. Indeed, to the contrary, a great number of details of the text are odd or anachronistic in the post-exilic context, not the least of which are the following: (1) the exclusion of property in the walled cities (vv. 29–30) makes little sense as the invention of the priests of Jerusalem who may have hoped to regain their property in that city; (2) the exceptions for Levitical cities (vv. 32–34) are completely anachronistic, since there were precious few Levites (Ezra 2:40–42; 8:15–20) and no Levitical cities (certainly not Jerusalem, which never was one: 1 Chron 6:54–81) following the exile; and (3) the stipulations in vv. 44–55 assume the power of the Israelites to enslave foreigners and enforce Israelite law on resident aliens, which, again, does not correspond to the historical situation of early restoration Yehud.⁹⁷

The one element of the text frequently identified as a reference to the exilic period is the forty-nine year duration of the jubilee cycle,

⁹⁵ For a listing of authors who support this position, see above, p. 56, n. 14.

⁹⁶ John S. Bergsma, "The Jubilee: A Post-Exilic Priestly Attempt to Reclaim Lands?" *Bib* 84 (2003): 225–46.

⁹⁷ So Jan Joosten, *People and Land*, 90.

which is claimed to correspond to the forty-nine years of the exile (587–538 B.C.E.). The jubilee was promulgated by “the priests” in Babylonian exile, so the argument runs, in order that when they returned in 538 B.C.E., they would have a legal basis to reclaim their property.⁹⁸

If indeed the forty-nine year jubilee cycle was inspired by the duration of the exile, one must also ask if the seven-week (forty-nine-day) pattern of the Festival of Weeks in Lev 23:15–22—which has, up to now, generally been considered to be the inspiration of the jubilee cycle—was also inspired by the exilic period? Do these seven-times-seven-plus-one time spans thus have nothing to do with the sacred number seven—so prevalent throughout the Holiness Code and the ancient Near East—but instead draw their origin from the historical accident of the timing of Darius’ decree of return?

Furthermore, a great number of practical difficulties with the scenario sketched above are commonly ignored. First, it is highly to be doubted that the Judean priesthood was granted authority to promulgate laws for Persian Yehud immediately in 538 B.C.E., and if they had not the authority to promulgate laws, one must ask what their motivation would be for composing laws they could not expect to implement.

Secondly, according to the biblical record, the great majority of the upper classes of Judean society—including the royal court and doubtless the ranking priests, that is, the priests most likely to have promulgated laws in the exile—were taken in the first deportation in 597 B.C.E. (2 Kgs 24:13–17), not 587 B.C.E. (2 Kgs 25:11–12), making the jubilee cycle ten years too short to serve as a convenient pretext for the reclamation of their lands.

Thirdly, we have indications of at least four returns from the exile, under Sheshbazzar, Zerubbabel, Ezra, and Nehemiah respectively; and there may have been others unrecorded. Only the first return—about which we have the least information (merely Ezra 1:5–11)—*may* have been back in time to qualify for the supposed forty-nine-year property return (in 538 B.C.E.), for we have no record of when this group actually did arrive in Judea. Of what help would the jubilee laws be

⁹⁸ See Wallis, “Das Jubeljahr Gesetz.”

to the majority, if not all, of the returnees who arrived too late for the “forty-nine-year” restoration?

Finally, if the only purpose of the jubilee legislation was to serve as a pretext for the return of the exiles’ lands, certainly much simpler laws than the jubilee could have been written and ascribed to Moses. All that would be necessary is a short statement mandating the return of property to any Israelite who returned after being exiled. In point of fact, *precisely such brief, pointed laws are extant in the Mesopotamian codes*, for example, the Code of Hammurabi §27 and the Laws of Eshnuna §29.⁹⁹ But on the contrary, the jubilee legislation *never addresses the situation of exile*. The only form of land alienation addressed in the text is sale by owner. It would require an act of judicial interpretation even to apply the stipulations of Lev 25 concerning the sale of land, by indirect analogy, to the situation of alienation of land due to deportation and exile. If the priesthood in the early Persian period really wanted a legal pretext for the return of lost lands, *they would surely have written themselves a law that directly addressed their situation*.

For all these reasons, the interpretation of the jubilee as an invention of the Judean priesthood in the late exilic or early post-exilic period to justify the return of their property must be regarded as essentially baseless. It poses no real challenge to the view of the jubilee and its *Sitz-im-Leben* outlined in this study.

4. *Summary: An Early Tribal Sitz-im-Leben*

In the preceding it has been argued that the jubilee year is best understood as an institution within the context of early, tribal Israel. This argument was based on the similarity of elements of the jubilee with laws and practices already present in the second millennium B.C.E., the instances of rare and ancient terms used in the text, the close correspondence between the type of society projected by Lev 25 and

⁹⁹ Code of Hammurabi §27 reads: “In the case of either a private soldier of a commissary who was carried off while in the armed service of the king, if after his (disappearance) they gave his field and orchard to another and he has looked after his feudal obligations—if he has returned and reached his city, they shall restore his field and orchard to him and he shall himself look after his feudal obligations” (*ANET*, 167a). See also 171b and 162b; and the Middle Assyrian Laws §36 and §45, which state that a returned exile gets his lands back, but if he has died, the crown shall reassign them.

contemporary understandings of early Israelite society, and the widespread recognition—even among many scholars who date the *text* late—that many if not all of the components of the *institution* have their origin in tribal society. This argument seems sufficient to support a early pre-exilic date for the basic outlines of the *institution* of the jubilee, and for some of the language used to describe it in Lev 25.¹⁰⁰ Of course, the present form of Lev 25 may have been rewritten or redacted at some later period in Israel's history.¹⁰¹

¹⁰⁰ The natural question is, how early is “early”? Granted it is true that the tribal culture presupposed by the jubilee legislation would have persisted into the monarchic period, perhaps into the eighth century, only gradually suffering serious reconfiguration (so André Lemaire, personal communication with author, and others). Thus, the tribal *milieu* of the jubilee could span the period from initial Israelite settlement to the mid-to-late monarchic period. Jostens favors a monarchic date (*People and Land*, 203–7); Milgrom and Knohl specify the eighth century B.C.E. (Milgrom, *Leviticus 17–27*, 1361–64; Knohl, *The Sanctuary of Silence*, 204–12). To my mind, the eighth century is a *terminus ad quem*. Various factors suggest to me an earlier date for the jubilee and indeed, the Holiness Code in general: (1) nowhere is a king mentioned or any of the centralized bureaucracy associated with a royal government, either in Lev 25 or elsewhere in H; (2) there is no theology of the Davidide or Zion/Jerusalem anywhere in Lev 25 or H, which is particularly striking in contrast to Ezekiel, who seems to incorporate Davidism and Zionism into a basically “H” theology (cf. Ezek 34:23–26; 37:24–28); (3) walled cities are exceptional to Lev 25 and appear to be a later redactional intrusion breaking the literary structure (vv. 29–31). Now Joosten and others presume that H comes from the priests in Jerusalem (*People and Land*, 204), but it is difficult for me to imagine that the Jerusalemite priesthood had no theology of Zion as late as the eighth century. Indeed, the united monarchy is the most likely time period for the priesthood to have adopted a Davidic/Zionist theology. If we regard the DtrH accounts of David and Solomon as at all factually based (even if embellished), then there is in this period intense royal patronage of the Yahwistic cult coupled with an attempt to make the capital city the place of Yahwistic pilgrimage *par excellence* (2 Sam 6–7; 1 Kgs 6–8). The chief priest becomes a royal appointee (i.e. Zadok; 1 Kgs 2:26–27, 35). It is hard to imagine that, after the time of Zadok but before the exile, the Jerusalemite priesthood abandoned the theology of Zion and the Davidide, and promulgated a law code unaware of Yahweh's election of David/Zion. As for walled cities, it is now apparent from the excavations at Tel Zayit (see www.zeitah.net; publications are forthcoming) that we have large-scale Israelite stone architecture for public and private buildings, including defensive walls incorporating enormous (2 cubic meters or more) monoliths, already in the tenth century B.C.E. (presumably, under the united monarchy). The construction of such sites would require a much greater level of societal organization than is evident, for example, in the Early Iron Age settlements van den Toorn associates with premonarchic Israel. Notably, an inscribed abecedary at Tel Zayit attests Israelite literacy in this period. Thus, in the tenth century Israelites are building walled cities and living in them (thus necessitating the revision of jubilee laws [Lev 25:29–31]?).

¹⁰¹ But if it was, the redaction does not seem to have been extensive enough to obscure the essential nature of the legislation.

While the major focus of this present study will be on the history of interpretation of Lev 25 and the jubilee year, this brief foray into historical matters was necessary in order to justify beginning the history of interpretation with the jubilee year as presented in Lev 25 itself, rather than, for example, Ezek 46:16–18 or Isa 61:1–4.

CHAPTER FOUR

THE JUBILEE AS TEXT: SETTING, STRUCTURE, EXEGESIS OF LEVITICUS 25

In the previous chapter the approximate time and circumstances of the origin of the jubilee institution in Israel's history were discussed. Even if—as we have suggested—the jubilee was observed to some extent during the early stages of Israel's development, it remains true that for much of Israelite and Jewish history the jubilee was not experienced as living institution, but as a *text* found at a strategic place within the corpus of Mosaic law. We turn now to an examination of that text, observing its literary setting, analyzing its structure, and explicating its meaning.

1. *Literary Setting (Sitz-im-Buch)*

Leviticus 25 comes near the end of both the critically-discerned “Holiness Code” and the canonical Leviticus. There is a certain amount of appropriateness in the placement from either perspective. Certainly there is something climactic about the jubilee. Of all the festivals or observances of Israel, it has the longest period of recurrence and the most extensive effects on the lives of the entire populace. There is something inherently “eschatological” about the jubilee, long before it was seen as a symbol of the eschaton by later writers. Since it recurred usually only once in a lifetime, the impoverished Israelite—or at least the one projected by the text—would spend most of his life in anticipation of this event of restoration. Also, from the perspective of the entire Pentateuch, the conquest and settlement of Canaan was a kind of “realized eschatology”—the fulfillment of the promise of the land of Canaan originally made to Abraham. Leviticus 25—in its present position in the Pentateuch—looks forward to the time when the “eschatological” condition of Israel dwelling within her own land will be realized, and enacts measures to ensure that periodically this utopian, “eschatological” state of Israel will be renewed and restored.

From the perspective of the canonical parameters of Leviticus, there is a certain correspondence between Lev 25 as the climax of the

largely social regulations in chs. 17–25 (“Holiness Code”) and Lev 16 as the climax of the largely cultic regulations in chs. 1–16 (“Priestly Code”). The Day of Purgation (*yom kippur*, Lev 16) is the most significant cultic observance; the jubilee is the most significant social enactment, which is proclaimed quite deliberately on the Day of Purgation. Thus, the Day of Purgation and the Jubilee are the climactic observances in the cultic and social spheres, respectively; and are linked by a common day of proclamation.¹

Leviticus 25 bears a certain relationship to the preceding and succeeding units of Leviticus. While the relationship between Lev 24 and Lev 25 is obscure, Lev 25 follows naturally from Lev 23. Leviticus 23 describes religious observances which take place annually; Lev 25 those that take place super-annually. Both chapters begin with a “sabbath”: Lev 23:1–4 describes the Sabbath day, Lev 25:1–7 describes the Sabbath year. Both chapters share a focus on agricultural fertility and the recurring motif of the number seven. The method of counting the days of the Feast of Weeks (Lev 23:15–16) and the years of the jubilee (Lev 25:8) are similar.

Leviticus 25 has an intimate relationship with Lev 26 as well:

- (1) The entire unit is surrounded by the inclusio Lev 25:1 & 26:46, which identifies the laws as given by God to Moses on Sinai.²
- (2) Leviticus 26:2 indicates a concern for Sabbath-theology, evident throughout Lev 25.
- (3) Leviticus 26:3–13 shares much of the language and the complex of themes found in Lev 25:18–24, such as: obedience to the Lord results in agricultural fertility and security (Lev 25:18–19; Lev 26:3–4, 6–9), and the blessing of the Lord will be such that old harvests will last until the new (Lev 25:20–22; Lev 26:5, 10).
- (4) The theme of release from bondage from Egypt, with the result of the Israelites attaining permanent immunity from slavery, is stressed in both Lev 25:38, 42, 55 and Lev 26:13, 45.
- (5) The sacral significance of the number seven is seen in Lev 25:4, 8, 9 and Lev 26: 21, 24, 27.

¹ Adrian Schenker, “The Biblical Legislation on the Release of Slaves: The Road from Exodus to Leviticus,” *JSTOT* 78 (1998): 23–41, here 25–26.

² Mention of Sinai in Leviticus is actually rare, occurring only in Lev 7:38, 25:1, and 26:46.

- (6) The sabbatical year is a significant theme (obviously) in Lev 25:2–7 and Lev 26:34–35, 43.
- (7) The sacral significance of the land *per se* is a consistent theme in both chapters.
- (8) On a poetic level, the use of the word יְבוּלָה in Lev 26:4, 20 recalls the יוֹבֵל used throughout Lev 25. The repetition of words based on the roots שָׁבַע and שָׁבַת throughout both chapters serve to unite them. The sword not passing through the land (לֹא-חֶבֶר, בְּאֶרְצְכֶם, Lev 26:6) seems in contrast to making the trumpet pass through the land (חֲעִבִירו שֹׁפָר, Lev 25:9).

Thus, there are close literary ties between Lev 25 & 26, which probably indicates common authorship. Rolf Rendtorff comments “there are good reasons for viewing Lev 25 and 26 as a single rhetorical unit.”³

1.1. *Summary*

The jubilee comes near the end of the “Holiness Code,” the section of social legislation in the book of Leviticus (chs. 17–26). As the greatest socio-economic observance in the Israelite calendar, it forms an appropriate climax to this section, parallel to the climactic description of the Day of Purgation in the “Priestly Code” (Lev 16). There are many close links in thought, language, and motif between preceding legislation (Lev 23) and the subsequent blessings and curses (Lev 26).

2. *Structure*

Unlike many texts in the Pentateuch, Lev 25 possesses an order whose logical progression is discernible even to modern readers. The chapter may be outlined as follows:⁴

³ Rendtorff, *The Covenant Formula* (Edinburgh: T & T Clark, 1998), 18 n. 26. Compare Christopher J. H. Wright, *God's People in God's Land: Family, Land, and Property in the Old Testament* (Grand Rapids: Eerdmans, 1990), 149–51.

⁴ For a fuller outline, see Jacob Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary* (AB 3B; New York: Doubleday, 2001), 2145–49. Didier Luciani creates an intriguing chiasmic structure for the legislation, centered on v. 20: “What shall we eat?” (“Le jubilé dans Lévitique 25,” *RTL* 30 [1999]: 456–86, esp. 466–77).

- I. The Sabbatical Year (vv. 1–7)
- II. The Jubilee Year (vv. 8–22)
 - A. Instructions for Its Observation (vv. 8–13)
 - B. Implications for the Sale of Property (vv. 14–17)
 - C. Encouragements for Its Observation (vv. 18–22)
- III. Implications of the Jubilee for the Redemption of Property (vv. 23–55)
 - A. Statement of Principle (vv. 23–24)
 - B. The “Stages of Destitution” (vv. 25–55)
 - 1. The loss of lands (vv. 25–28)
 - 2. The loss of home (vv. 29–34)
 - 3. The loss of independence (vv. 35–38)
 - 4. The loss of freedom (“slavery”) (vv. 39–46)
 - a. True slavery forbidden for Israelites (vv. 39–43)
 - b. True slavery permitted for non-Israelites (vv. 44–46)
 - 5. The loss of freedom to a foreigner (vv. 47–55)

Many source-critical proposals for the composition of this chapter have been made, but there is no consensus on its diachronic development. In light of the fact that the present form of the chapter is quite comprehensible as it stands, several scholars have taken the position that source-analysis is impossible or irrelevant.⁵

The jubilee legislation logically follows that of the sabbatical year, since the jubilee follows the seventh sabbatical year. The essential instructions on how to observe the jubilee are followed by its implications for land-sales, and exhortations designed to encourage the Israelites to practice the law.

The better part of the chapter is taken up with provisions for the redemption of the property and person of the impoverished Israelite. The stages of impoverishment clearly move from bad to worse. The poverty-stricken Israelite is compelled first to sell his land (vv. 25–28), then his house (vv. 29–34), then to become dependent on charity (vv. 35–38), and finally to sell his person to a fellow Israelite (vv. 39–43) or—in the “worst-case scenario”—to a foreigner (vv. 47–55).

⁵ Martin Noth, *Leviticus* (OTL; London: SCM Press, 1965), 181–93; Milgrom, *Leviticus* 23–27, 2149–50. The most recent source-critical analysis (by Jeffrey Fager, *Land Tenure and the Biblical Jubilee: Uncovering Hebrew Ethics through the Sociology of Knowledge* [JSOTSup 155; Sheffield: JSOT Press, 1995], 123–25) is simply asserted without demonstration. See K. C. Hanson, review of Fager, *Land Tenure*, *BTB* 24 (1994): 195.

The common focus throughout the chapter is on the land (20 occurrences).⁶ The reason given for the sabbatical year is that the land itself must rest; i.e. the sabbatical year is for the sake of the land. The principle concern of the jubilee is that the Israelites return to their land. In the provisions for the progressively impoverished Israelite, discussion does move from the alienation of property to enslavement of persons, and there is genuine concern for the welfare of the individual Israelite *per se*. However, the aspect of slavery that thematically unites the slave-laws to the rest of the chapter is the fact that the Israelite slave becomes separated from his ancestral land. The jubilee legislation seeks at all costs to avoid the permanent separation of the Israelite from his land.⁷

3. *Exegesis*

3.1. *The Sabbatical Year (vv. 1–7)*

Translation:

^{25:1} The LORD spoke to Moses on Mount Sinai saying:

²Speak to the sons of Israel and say to them, “When you (pl) come into the land which I am giving to you (pl), the land shall observe a Sabbath to the LORD. ³Six years you (sg) shall plant your (sg) field and six years you (sg) shall prune your (sg) vineyard or orchard and gather its [the land’s] produce. ⁴But in the seventh year—it will be a complete Sabbath for the land, a Sabbath to the LORD—your (sg) field you (sg) shall not plant and your (sg) vineyard or orchard you (sg) shall not prune. ⁵The aftergrowth of your (sg) harvest you (sg) shall not harvest, and the grapes of your (sg) untrimmed vines you (sg) shall not pick: It will be a Sabbath year for the land. ⁶But the Sabbath of the land is for you (pl) to eat: for you (sg), your servant (sg), your maidservant (sg), your hired man (sg), your (sg) resident alien sojourning with you (sg), ⁷your (sg) cattle, and the wild animals which are in the land. All the produce will be to eat.

This legislation specifies a complete cessation of organized agricultural activity every seventh year, in order that the land may rest to the

⁶ Noth, *Leviticus*, 184; Erhard S. Gerstenberger, *Leviticus: A Commentary* (trans. Douglas W. Stott [Das Dritte Buch Mose: *Leviticus* (ATD 6; Göttingen: Vandenhoeck & Ruprecht, 1993)]; OTL; Louisville: Westminster/John Knox, 1996), 374.

⁷ See the excellent and sensitive discussion of the role of the land in the Holiness Code by Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26* (VTSup 67; Leiden: Brill, 1996) 189–92.

honor of God (לִיהְדֹד). Although it may not be harvested in an organized way, whatever the land produces of itself is available for all the inhabitants of the land to consume directly (לֵאכֹל).

Verses 1–2a describe this legislation as being revealed at Sinai. As noted above, Lev 25:1–2a form an inclusio with Lev 26:46.⁸ (References to Sinai are actually rare in Leviticus; Lev 7:38 and 27:34 are the only other instances.) In the narrative context of the Pentateuch, the implication may be that these laws had been revealed to Moses on Sinai but were only delivered to Israel at this point in the narrative.

The description of the observance of the sabbatical year (vv. 3–4) is very close in diction and structure to the description of the weekly Sabbath (Lev 23:3), thus indicating the close conceptual ties between the two institutions in the mind of the author of the code.⁹

As throughout the “Holiness Code,” the land is attributed a *persona*: it has a right and duty to observe a Sabbath “to the LORD.” All agricultural activity must cease: planting, trimming, reaping, and picking are examples. The term כֶּרֶם may indicate an orchard as well as a vineyard (Judg 15:5), as indicated in the translation.¹⁰

The contrast between vv. 4–5 and vv. 6–7 pertains to organized harvesting versus individual scavenging for immediate consumption (cf. v. 12). Thus, there is no contradiction between the two, and it is unnecessary to postulate that vv. 6–7 are later ameliorations of the (harsh) original law.¹¹

It is unlikely that the list of beneficiaries of the sabbatical year produce (vv. 6–7) is meant to be exhaustive, or to exclude the poor (cf. Exod 23:11) who are not explicitly mentioned.¹² Twice already the “Holiness Code” has explicitly protected the scavenging/gleaning rights of the poor (19:9–10; 23:22); it is improbable that the legislator intended these rights to be nullified in the sabbatical year. Moreover, among the servants, hired men, and resident aliens of v. 6 were doubtless many “needy” (אֲבִינִים, Exod 23:11; cf. Lev 19:10: לַעֲנִי וְלִנְרִי).

Questions have been raised about the practicality of a universal seventh-year fallow. David C. Hopkins argues that the ancient farmer fallowed fields biennially on a rotational basis, and could have incorporated a seventh-year total fallow in the following schema:

⁸ See discussion in Milgrom, *Leviticus* 23–27, 2151–52.

⁹ Milgrom, *Leviticus* 23–27, 2157–58.

¹⁰ Cf. Milgrom, *Leviticus* 23–27, 2157.

¹¹ Contra Fager, *Land Tenure*, 101.

¹² Contra Milgrom, *Leviticus* 23–27, 2159–60.

P	C	F	C	F	C	C	S	F	C	F	C	F	C	S
Q	F	C	F	C	F	C	S	C	F	C	F	C	C	S
	1	2	3	4	5	6	7	1	2	3	4	5	6	7

[C = cropped, F = fallow, S = sabbatical, P = first field, Q = second field]

Figure 4.1: Rotation of Crops on Sabbatical Cycle¹³

Thus, under normal conditions, by cropping all available land in the sixth year, a farmer could nearly double his yield in preparation for the fallow of the sabbatical.

The seventh-year fallow is known to have been observed in the Second Temple period.¹⁴ Josephus records that it resulted in hardship—for populations in cities that were besieged at the same time.¹⁵ Since the observation of the fallow year under regular circumstances produced nothing Josephus felt compelled to record, presumably it did not cause hardship in times of peace.¹⁶

3.2. *The Jubilee Year* (vv. 8–22)

3.2.1. *Instructions for Its Observation* (vv. 8–13)

Translation:

⁸And you (sg) shall count for yourself (sg) seven weeks of years: seven years, seven times. The days of the seven weeks of years will be for you forty-nine years. ⁹Then you (sg) shall blast the horn loudly, in the seventh month, on the tenth of the month—the Day of Purgation. You (pl) shall sound the horn throughout your (pl) land, ¹⁰and you (pl) shall sanctify the year of the fifty years and proclaim (pl) release in the land to all its inhabitants. It will be a jubilee for you (pl), and each of you (pl) shall return to his holding, and each shall return to his clan. ¹¹The year of the fifty years shall be a jubilee for you (pl). You (pl) shall not sow, nor harvest its [the year’s] aftergrowth, nor trim its [the year’s] untrimmed vines, ¹²for it is a jubilee, it will be holy for you (pl). But you (pl) may eat the produce from the field. ¹³In this year of the jubilee, you (pl) shall return, each one to his holding.

¹³ From Milgrom, *Leviticus* 23–27, 2249 (Figure 2).
¹⁴ See Benedict Zuckerman, *A Treatise on the Sabbatical Cycle and the Jubilee* (trans. A. Löwy; London, 1866; repr. New York: Sepher-Hermon Press, 1974), 37–39.
¹⁵ *Ant.* xiv.16, 2; *Ant.* xii.9, 6.
¹⁶ Compare *Ant.* xii.8, 6; *Ant.* xiv.10, 6.

The basic principles for the observation of the jubilee are laid out. Every forty-nine years, on the Day of Purgation, the trumpet is blown throughout the land, and each Israelite is to return to his ancestral property (חֹזֶהוּ, “his holding”) and his clan (מִשְׁפַּחָהוּ). The sabbatical year’s restrictions on agricultural activity also apply to the jubilee year.

Whether the jubilee was to occur every forty-nine or fifty years has been debated since antiquity,¹⁷ and the debate will not be solved conclusively here. There are good reasons to support the view that the jubilee simply is the seventh sabbatical year, as argued by Noth and many others.¹⁸ However, in the present state of our knowledge, the stronger case seems to be that the seventh sabbatical year and the jubilee were sequential.¹⁹

The reasons for this are as follows. First, it seems apparent that the years spoken of throughout the chapter are cultic-agricultural years, i.e. fall-to-fall years (as opposed to spring-to-spring civil years).²⁰ This makes sense not only because the cult and agriculture are both major concerns of the text, but also because the prohibitions on agricultural labor throughout the text are constantly phrased as “you shall not sow . . . nor reap,” which indicates a fall (sowing) to spring (reaping) year (vv. 4–5, 11, 20, 22).²¹

¹⁷ See the summaries of historical positions in the debate in Zuckerman, *Treatise*, 1–24; Robert J. North, S.J., *Sociology of the Biblical Jubilee* (AnBib 4; Rome: Pontifical Biblical Institute, 1954), 120–34.

¹⁸ Noth, *Leviticus*, 186–87. The first to propose this was St. Isidore of Seville. More recent proponents include John E. Hartley, *Leviticus* (WBC 3; Dallas: Word, 1992), 434–36; Schenker, “The Biblical Legislation,” 25; H. Graf Reventlow, *Das Heiligtumsgesetz formgeschichtliche untersucht* (WMANT 6; Neukirchen-Vluyn: Neukirchener, 1961), 125; North, *Sociology*, 132–33; Anton Jirku, “Das israelitische Jubeljahr,” in *Reinhold Seeberg Festschrift*, vol. 2, *Zur Praxis des Christentums* (ed. Wilhelm Koepp; Leipzig: Scholl, 1929), 169–79, here 170; A. van Selms, “Jubilee,” *IDBSup*, 497; Innocenzo Cardellini, *Die biblischen ‘Sklaven’-Gesetze im Lichte des keilschriftlichen Sklavenrechts* (BBB 55; Bonn: Verlag Peter Hanstein, 1981), 282–83; Karl Elliger, *Leviticus* (HAT 4; Tübingen: JCB Mohr [Paul Siebeck], 1966), 352; G. C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East* (JSOTSup 141; Sheffield: JSOT Press, 1993), 320; Wright, *God’s People*, 150; and to a certain extent, Stephen A. Kaufman, “A Reconstruction of the Social Welfare Systems of Ancient Israel,” in *In The Shelter of Elyon* (JSOTSup 31; ed. W. B. Barrick and J. R. Spencer; Sheffield: JSOT Press, 1984), 278.

¹⁹ So Zuckermann, *Treatise*, 12–13; Milgrom, *Leviticus* 23–27, 2182–83, 2250. Other positions defended in modern times include that the jubilee was a point in time (Kaufman, “Reconstruction,” 278) or that the jubilee year was a forty-nine day intercalary period (Sidney B. Hoenig, “Sabbatical Years and the Year of Jubilee,” *JQR* 59 [1968–69]: 222–36; followed tentatively by Wenham, *Leviticus*, 319).

²⁰ The Israelite civil year began with Nisan (first month), the cultic agricultural year with Tishri (seventh month).

²¹ One should note that cereal crops in the Levant (as elsewhere) are sown in the fall and harvested in the spring.

If we understand the years as consistently fall-to-fall, then the interpretation of vv. 8–10 is as follows: v. 8 commands the counting of a complete set of weeks of years. In order to stress the completeness of the cycle, the pleonastic statement is added that “the days of the seven weeks of years will be for you forty-nine years.” A complete set of seven cultic-agricultural year weeks would terminate at the end of the seventh sabbatical year, at the last day of the sixth month according to the civil (spring) calendar. Thus, the seventh month would begin the new, fiftieth cultic-agricultural year, as vv. 9–10 indicate.

This counting scheme may be illustrated as follows:

43	44	45	46	47	48	49–Sabbath
50/1–Jubilee	2	3	4	5	6	7–Sabbath
8	9	10	11	12	13	14–Sabbath
15	16	17	18	19	20	21–Sabbath
22	23	24	25	26	27	28–Sabbath
29	30	31	32	33	34	35–Sabbath
36	37	38	39	40	41	42–Sabbath
43	44	45	46	47	48	49–Sabbath
50/1–Jubilee	2	3	4	5	6	7–Sabbath

Figure 4.2: The Counting of the Jubilee Cycle

Second, the analogy of the counting of fifty days from First Fruits to the Feast of Weeks in Lev 23:15–16 offers strong support for this counting scheme:²²

¹⁵You shall count for yourselves from the day after the Sabbath—from the day you brought forward the sheaf of the wave-offering—it will be seven complete weeks, ¹⁶until the day after the seventh Sabbath, you shall count fifty days . . .

The scheme is the same for days or for years: a count of fifty from the day or year after the Sabbath to the day or year after the seventh Sabbath. The Feast of Weeks is designated as a day of rest (Lev 23:21),

²² Noted long ago in the Sifra, *Emor* 12 §8, and seen correctly by Julius Wellhausen, *Prolegomena to the History of Israel* (Edinburgh: A. & C. Black, 1885; repr. Atlanta: Scholars Press, 1994), 119; but overlooked by surprisingly many since, although not Bruno J. L. Baentsch, *Das Heiligkeitgesetz* (Erfurt, 1892), 57; or Milgrom, *Leviticus* 23–27, 2163.

which—with the previous Sabbath—makes two consecutive days of rest. This is analogous to the two successive fallow years of the seventh sabbatical and the jubilee.

The above counting scheme, in which the jubilee is simultaneously the fiftieth year of the old cycle and the first year of the next, is opposed by the rabbinical tradition and Milgrom as contradicting Lev 25:3 (“Six years you shall sow . . .”) inasmuch as in the first week of years after the jubilee, there are only five years of sowing and reaping. However, it is obvious that the two consecutive days of rest on the seventh Sabbath and the Feast of Weeks were not seen to contradict Lev 23:3 (“For six days you shall work . . .”), and the day of the Feast of Weeks did not interrupt the regular counting of the week. By analogy, the jubilee should not be seen as contradicting Lev 25:3. It does not interrupt the cycle of sabbatical years by the insertion of an additional, uncounted year.²³

The main objection to counting the jubilee as successive to the sabbatical is the impossibility of two successive fallow years. But is it actually known with certainty that this is an impossibility?²⁴ The sabbatical and jubilee would not come as a surprise: the population had six years to prepare for them. It has already been shown above (Figure 3.1) how the ancient farmer could have almost doubled production in the sixth year. In addition to whatever food could be stored in the previous six years, sources of food during the fallow years would have included aftergrowth gleaned directly from the fields, wild foods gathered from uncultivated areas, wild game, meat and milk from domestic animals, and food acquired from surrounding nations either by purchase or by force.²⁵ We know that ancient Israelites (and other peoples) withstood unplanned multiple-year

²³ So Zuckermann, *Treatise*, 12–13 & 21–22, championing R. Jehuda. See more recently John S. Bergsma, “Once Again, the Jubilee, Every 49 or 50 Years?” *VT* 55 (2005): 121–25.

²⁴ Michael Fishbane (*Biblical Interpretation in Ancient Israel* [New York: Oxford, 1985], 167–69) argues that the seventh sabbatical and jubilee did constitute a two-year fallow, and that Lev 25 shows evidence that the law was implemented in the “living community.” Fishbane proposes a novel reading of vv. 20–22, in which v. 22 permits sowing in the jubilee year.

²⁵ As unpleasant as it may seem, this last possibility should be considered realistically. The jubilee released the entire male population from their usual work, and the need for food provided motivation for raiding or the acquisition of new territories. On the possible military significance of the jubilee, see Max Weber, “Wirtschaftsethik der Weltreligionen,” in *Gesammelte Aufsätze zur Religionssoziologie 3. Das Antike Judentum* (Tübingen: Mohr, 1921), 78–80.

famines, and sieges for up to three years;²⁶ in the case of the latter, there was no access to the sources of supplemental food mentioned above. It is not impossible—even apart from the promise of divine blessing (v. 20–22)—that they could have endured a planned two-year fallow under favorable conditions. Alternately, under unfavorable conditions the requirements of the second-year fallow may have been suspended by the religious authorities (priests) in a way analogous to that in which aspects of *halakha* have been relaxed by rabbinical authorities during situations of duress in later periods.²⁷

It may also be that the two-year fallow represented the legislator's ideal rather than actual practice. The idealistic nature of ancient Near Eastern law codes has been widely recognized.²⁸

Whatever the explanation of the stipulation of a second year of fallow, it is not decisive for either the dating or the *Sitz-im-Leben* of the text or the institution of the jubilee. There is no cultural-historical justification for the common reflex that anything idealistic or “artificial” must be post-exilic. To cite just one example from the ancient world, between 2800 B.C.E. and 2500 B.C.E., it is known that the Egyptians endured an artificial, idealized, non-intercalated 365-day calendar which moved forward one day every four years, and in this manner worked its way entirely around the true solar year in complete disregard for the actual pattern of seasons.²⁹

Leviticus 25:10 notes that the jubilee was proclaimed “in the seventh month, on the tenth of the month—the Day of Purgation.” As noted above, the seventh month was a month of festivals throughout the ancient Near East. The *akîtu* festival climaxed on the eleventh

²⁶ 2 Sam 21:1, 1 Kgs 18:1, 2 Kgs 17:5, 2 Kgs 18:10, 2 Kgs 25:1–3.

²⁷ For modern examples of the issuing of a *Hetter* to relax aspects of the *halakha* especially with respect to the *shemittah* in Eretz Israel, see Dayan Dr. I. Grunfeld, *Shemittah and Yobel: Laws Referring to the Sabbatical Year in Israel and its Produce* (London: Soncino Press, 1972), esp. 12–62.

²⁸ See Fritz R. Kraus, “Ein zentrales Problem des Altnesopotamischen Rechtes: Was ist der Codex Hammu-rabi?” *Genava* 8 (1960): 283–96; J. J. Finkelstein, “Ammisaduqa's Edict and the Babylonian ‘Law Codes,’” *JCS* 15 (1961): 127–34; Nahum Sarna, *Exodus* (JPS Torah Commentary; New York: JPS, 1991): 275–76, 475; Raymond Westbrook, “What is the Covenant Code?” in *Theory and Method in Biblical and Cuneiform Law* (ed. B. Levinson; JSOTSup 181; Sheffield: Sheffield Academic Press, 1994): 15–36.

²⁹ See Richard A. Parker, *The Calendars of Ancient Egypt* (Chicago: University of Chicago Press, 1950). The inscribed memoirs of the Egyptian kings during the late second and first millennium B.C.E. are, moreover, well-known frequently to be so artificial and stylized as to be fairly useless for historical reconstruction.

day of the month: off by one from the Day of Purgation. There is reason to believe that the first through the tenth days of the seventh month were a festive New Year season, a transitional period from old to new, which was neither truly the old nor the new. The New Year started officially on the tenth.³⁰ Since other ancient Near Eastern festivals of the seventh month—such as the *akitu*—combined reassertion of the rule of the deity over his people (symbolized by enthronement), temple purgation, and (at least) symbolic acts of social justice,³¹ the proclamation of the year of jubilee on the Day of Purgation is fitting. A hard distinction between the religious ritual and social ethics is unknown in ancient Israel or the ancient Near East in general. *As the people's collective uncleanness is purged from the temple on the Day of Purgation, social and economic manifestations of the resulting cleanliness are also enacted.* A subtheme in this whole process is the re-assertion of the LORD's kingship over the people of Israel. Just as an ancient Near Eastern monarch would proclaim מלך for his people upon his accession to the throne (assertion of his kingship) and periodically on cultic occasions thereafter, so the LORD establishes מלך for the people of Israel at periodic re-affirmations of his kingship.³²

3.2.2. *Implications for the Sale of Property (vv. 14–17)*

Translation:

¹⁴When you sell property to your (sg) clansman or purchase from your (sg) clansman, you (pl) shall not take advantage of each other. ¹⁵According to the number of years after the jubilee you (sg) shall purchase from your clansman; according to the number of years of crops he will sell to you (sg). ¹⁶If the years are many, you (sg) shall increase its price, and if the years are few, you (sg) shall decrease its price, since the number of years of crops is what he is selling you. ¹⁷Do not take advantage of each other, but fear your God, for I am the LORD your (pl) God.

Here the practical implication of the jubilee for the sale of land is made explicit: the land cannot truly be sold, only its usufruct. The value of the land decreases with the approach of the jubilee, since the

³⁰ See the treatment by Jan van Goudoever, *Biblical Calendars* (Leiden: Brill, 1961), 36–44.

³¹ See above, pp. 30–32.

³² See also the discussion in Milgrom, *Leviticus 23–27*, 2167–69; Jonathan D. Safren, “Jubilee and the Day of Atonement,” in *Proceedings of the 12th World Congress of Jewish Studies, Division A: The Bible and Its World* (ed. Ron Margolin; Jerusalem: World Union of Jewish Studies, 1999): 107*–13*, esp. 112*–13*; Moshe Weinfeld, *Social Justice*, 209.

potential number of harvests before it reverts to the owner is less. The Israelite land owners are exhorted not to abuse this system.

3.2.3. *Encouragements for Its Observation* (vv. 18–22)

Translation:

¹⁸You (pl) shall perform my statutes, and my judgments you (pl) must be careful to perform. Then you (pl) shall dwell in the land in safety. ¹⁹The land will give its fruit, you (pl) shall eat to satisfaction, and you (pl) shall dwell in safety upon it. ²⁰And if you (pl) say “What will we eat in the seventh year? We can’t sow or gather our crops!” ²¹I will command my blessing for you (pl) in the sixth year, and it will produce a crop [sufficient] for three years. ²²When you sow in the eighth year you will eat from the old crop, until the ninth year, until its crop comes you will eat the old.

Security and agricultural fertility in the land are contingent upon the actual implementation of the LORD’s commands—by implication, particularly the commands concerning the sabbatical year and jubilee. Although the prospect of abstaining from agricultural labor for an entire year (or two) seems daunting, the LORD assures his people that he will make sufficient provision for their food supply in advance.

Michael Fishbane makes the interesting observation that the anticipated complaint in these verse is evidence that the jubilee was not merel utopian, but there was (at least) some attempt to practice this law in Israel:

Lev 25:11–12 . . . imposed a recognizable hardship on an agricultural community. . . . This is one reason for assuming that the reaction to the law in vv. 11–12 came from the living community, rather than from a professional group of scribes or legal annotators. . . . Moreover, the fact that the query in vv. 20–2 [sic] anticipates the people’s difficulty with the law, and proposes a new solution, is another reason to see the origins of the reaction to vv. 11–12 in a living community.³³

Although the complainant in v. 20 expresses concern only for the seventh or sabbatical year (Lev 25:1–7), the divine response supplies assurance also for the two successive fallow years of the sabbatical and jubilee.³⁴ The favor of the LORD is such as to make provision for three years on *every* sixth year, not just on that prior to the seventh sabbatical and jubilee.

³³ Fishbane, *Biblical Interpretation*, 168

³⁴ Compare Fishbane, *Biblical Interpretation*, 167, n. 9.

It is assumed that cultic-agricultural years are spoken of both by the complainant and by the LORD. The scheme of fallow and provision may be charted as follows:

Year	Fall	Spring
6	Sow	Reap (blessed harvest, v. 21)
7	(sabbatical)	(sabbatical)
8	Sow (still eating old, v. 22)	Reap
9	Sow	Reap (old finished, v. 22)

Figure 4.3: Divine Provision for the Sabbatical Year

In the case of the two successive fallows, the blessed harvest of the sixth year would still be sufficient:

Year	Fall	Spring
6	Sow	Reap (blessed harvest, v. 21)
7	(sabbatical)	(sabbatical)
8	(jubilee)	(jubilee)
9	Sow	Reap (old finished, v. 22)

Figure 4.3: Divine Provision for the Sabbatical and Jubilee Years

The strength of this explanatory scheme is that it allows a consistent understanding of the years spoken of throughout the chapter as cultic-agricultural, which seems appropriate to the context. Other solutions scholars have offered for counting the years of vv. 18–22 must postulate an unmarked switch between speaking of cultic-agricultural years in vv. 1–7 to civil years in vv. 20–22.³⁵ They must also assume that the complainant phrases his concern in terms of the cultic-agricultural year (“... in the seventh year, since we may neither *sow* nor *gather* its crops?”) but receives his answer expressed in civil years.

Nonetheless, it is freely admitted that the solution offered here is just one of several possible readings, none of which is completely unproblematic.³⁶

³⁵ See the solutions of Hoenig “Sabbatical Years,” 227; Julius Morgenstern, “Supplemental Studies in the Calendars of Ancient Israel,” *HUCA* 10 (1935): 85–86; and Milgrom, *Leviticus* 23–27, 2182–83.

³⁶ For a different and novel interpretation of vv. 20–22, see Fishbane, *Biblical Interpretation*, 167–69. He translates v. 22, “You may sow in the eighth year, but you must eat of the old harvest until the ninth year.” The eighth year he considers a

3.3. *Implications of the Jubilee for the Redemption of Property* (vv. 23–55)3.3.1. *Statement of Principle* (vv. 23–24)

Translation:

²³The land shall not be sold in perpetuity, for the land is mine: therefore you (pl) are aliens residing with me. ²⁴In all the land of your (pl) possession, you (pl) shall provide for the redemption of the land.

The theoretical basis behind the preceding and succeeding laws is now stated explicitly. The only true owner of the land is the LORD. The people of Israel have the status of resident aliens on the LORD's land. No land sales can be permanent, and there must always be a mechanism for the land to be redeemed, i.e. revert to its original human "possessor."

3.3.2. *The "Stages of Destitution"* (vv. 25–55)

3.3.2.1. The loss of lands (vv. 25–28)

Translation:

²⁵If your kinsman becomes poor and sells some of his possession, his redeemer who is nearest to him shall go and redeem what his kinsman sold. ²⁶But if a man has no redeemer, yet his own hand strengthens, and he finds enough for his redemption, he shall calculate the years since his sale and return the remainder to the man who bought from him. Then he shall return to his possession. ²⁸But if he cannot find enough to return to him [the purchaser], what he sold will remain in the hand of one who purchased it until the year of jubilee. It will be released in the jubilee, and he shall return to his possession.

This legislation specifies three ways an impoverished Israelite, after having sold some of his land, can regain it. His kinsman may come and redeem it; he may redeem it himself if he recovers his prosperity; or he can wait until the jubilee, when it will revert to him.

"The redeemer who is nearest him" may refer to proximity in blood, i.e. his closest male relative. It may also refer to physical proximity, i.e. the male relative who lives nearest to his plot of land. This latter theory is attractive, inasmuch as the physically closest male relative would be able to add the redeemed plot to his own land and farm them both more easily.

reference to the jubilee year; therefore, v. 22 contradicts and overrules v. 11, explicitly permitting sowing during the jubilee year.

Nothing is said about what happens to the land once the **נֶאֱלָם** redeems it. It seems likely that it remains in his possession until the jubilee.³⁷ The legislator is not concerned about such a situation, because (1) at least the land remains in the clan, and (2) one would assume that the **נֶאֱלָם** would exercise some sort of familial charity toward his impoverished kinsman by at least providing him with subsistence.

3.3.2.2. The loss of homes (vv. 29–34)

Translation:

²⁹If a man sells a dwelling house in a walled city, it may be redeemed up to a full year from its sale. That will be the period of its redemption. ³⁰If it is not redeemed before an entire year is completed, the house which is in the walled city belongs beyond redemption to the one who bought it, forever. It will not be released in the jubilee. ³¹But the houses of the villages which are not surrounded by walls shall be reckoned like an open field. Redemption shall apply to them, and they shall be released in the jubilee. ³²But as for the cities of the Levites, the houses of the cities of their possession—the Levites will have an eternal right of redemption. ³³Whatever is redeemed from the Levites—the house sold in the city of his possession shall be released in the jubilee, for the houses of the cities of the Levites are their possession in the midst of the sons of Israel. ³⁴The open land around their cities cannot be sold, since it is their eternal possession.

Property in true (walled) cities is to be treated differently than property in the countryside. Houses in walled cities may be redeemed within one year: after that, they are considered permanently sold. The jubilee is not applicable. Houses in unwalled villages do, however, come under the regulations of the jubilee.

The “exception” to the “exception” for walled cities is the property of Levites in their ancestral cities. Since the Levites have no land in the countryside (i.e. farmland),³⁸ their houses in their cities are their only possession. Therefore, they may be redeemed, and fall under the regulations of the jubilee. The common grazing land surrounding the Levitical cities cannot be sold at all.

Because this pericope does not begin **כִּי יִמְכַר אֶחָד**, and thus breaks a thrice-iterated pattern (vv. 25, 35, 39), it has the appearance of an addition. This appearance is reinforced by the content, which

³⁷ Milgrom, *Leviticus* 23–27, 2237.

³⁸ See Noth, *Leviticus*, 190–91; Milgrom, *Leviticus* 23–27, 2201; Num. 35:2–3, Deut 10:9, 12:12, 14:27, 18:1; Josh. 14:4, Ezek 44:28–31.

describes adaptations to the rules of the jubilee for exceptional circumstances. For this reason, many scholars accept it as an amendment to the original jubilee law. Seen as such, it becomes evidence (1) for the actual practice of the jubilee, since utopian laws do not require amendment for changed circumstances,³⁹ and (2) for the pre-monarchic, tribal milieu of the *original* jubilee, since it was drafted before walled cities were a concern for Israelite society.⁴⁰

Be that as it may, it must also be admitted that the pericope makes sense in its present position: an impoverished Israelite would sell his land first (vv. 25–28), then his house (vv. 29–34).

Verse 33 is a notorious crux, and the MT does not seem to make sense without emendation. The translation above reflects a literal reading, without solving the difficulty.⁴¹

Verse 34 has been taking to contradict the principle that the Levites did not inherit any land,⁴² but such an interpretation is unwarranted. The Levites did not inherit farmland: the fields (lit. “field” שָׂדֶה) spoken of in v. 34 are the common grazing land for the animals belonging to the city’s inhabitants.⁴³ As public grazing land, it obviously could not be sold into private ownership. Verse 34 forbids any attempt to do so.

3.3.2.3. The loss of independence (vv. 35–38)

Translation:

³⁵If your (sg) kinsman becomes poor, and comes under your (sg) authority, support him like a resident alien and let him live with you (sg).

³⁶Do not take from him either advance or accrued interest: fear your God and let your kinsman live with you (sg). ³⁷As for money, don’t give to him at advanced interest, and at accrued interest do not give him your food. ³⁸I am the LORD your (pl) God, who brought you (pl) out from the land of Egypt to give to you the land of Canaan, in order to be your God.

³⁹ Milgrom, *Leviticus* 23–27, 2247.

⁴⁰ Moshe Weinfeld, “Sabbatical Year and Jubilee in the Pentateuchal Laws and their Ancient Near Eastern Background,” in *Law in the Bible and Its Environment* (ed. T. Veijola; Göttingen: Vandenhoeck & Ruprecht, 1990), 59–61; Porter, *Leviticus*, 202: “Walled towns, typical of Canaanite city culture, were a novelty to the Israelite farming population and their customary family law did not provide for them.”

⁴¹ See discussion in Milgrom, *Leviticus* 23–27, 2202–4.

⁴² Gerstenberger, *Leviticus*, 385.

⁴³ Milgrom, *Leviticus* 23–27, 2203–4; N. H. Snaith, *Leviticus and Numbers* (The Century Bible; London: Thomas Nelson, 1967), 166.

That Israelite is protected from exploitation who—having lost land and house—is reduced to dependency on his neighbors. It is prohibited to take advantage of such a person by lending him food or money at interest. Rather, he is to be assisted with interest-free loans and whatever other support is implied by וְדִי עִמָּךְ, “Let him live with you.” The Israelites are reminded of their own background of impoverishment in Egypt as a motivation for fulfilling this exhortation.

What precise socio-economic relationship is denoted by “coming under your authority” (מִשָּׁה יָדו עִמָּךְ) remains obscure.⁴⁴ Clearly it is an intermediate state between independence and slavery, which is described later (vv. 39–46). Part of the meaning of this phrase hinges on the translation of הֶחֱזַקְתָּ, which can be taken either as “support” or “seize.” While Milgrom makes an impressive argument for “seize,” such a translation sits uncomfortably with גֵּר וְרוֹשֵׁב, “as a resident alien.” It is not clear that “seizing” was a behavior associated with resident aliens, but both in biblical literature⁴⁵ and elsewhere in the ancient Near Eastern literature there are exhortations to hospitality toward the stranger.⁴⁶ Moreover, if “seize” is meant here, there would be no distinction between the Israelite who “comes under your authority” and the one who becomes a slave of a fellow Israelite. But slavery to a fellow Israelite is not described until the next pericope (vv. 39–46). Therefore, the more traditional rendering “support” has been adopted above.

The comparison between the poor Israelite and the “resident alien” is appropriate, because at this stage in the Israelite’s progressive impoverishment, he has lost house and land. Without claim to any real property, his socio-economic status is quite analogous to that of a “resident alien.” Both are landless, vulnerable members of society.

The distinction—if any—between the terms for interest נִשְׁךְ and הֶרֶבִית (= מְרִבִית)—is unclear. The translation of נִשְׁךְ as “advance interest” and הֶרֶבִית as “accrued interest” is based on the study of Edward Lipinski.⁴⁷ The Babylonian Talmud seems to indicate that the terms are synonymous.⁴⁸ Others have argued that they refer to

⁴⁴ For the translation “under your authority,” see Milgrom, *Leviticus 23–27*, 2205–6.

⁴⁵ E.g. Lev 19:9–10; 23:22; Job 31:32.

⁴⁶ E.g. Einar von Schuler, “Hethithische Dienstanweisungen II. Bēl madgalti,” *AfO* 10 (1957): 47, III A, 36–37; *ANET* 424b.

⁴⁷ See Edward Lipinski, “Nešek and Tarbīt in the Light of Epigraphic Evidence,” *OLP* 10 (1979): 133–41; cf. NJPS Tanakh, *ad loc.*

⁴⁸ *b. B. Meṣ.* 60b.

interest on money and on food respectively.⁴⁹ Full discussions of the issue are readily available elsewhere.⁵⁰

The memory of the ancestral slavery in Egypt is invoked as a motivation for observing these statutes (v. 38, also vv. 42, 55). These strategically-placed motivational clauses indicate the text's intended audience was that element of Israelite society who considered themselves descendants of escaped Egyptian slaves.⁵¹

3.3.2.4. The loss of freedom ("slavery") (vv. 39–46)

True slavery forbidden for kinsmen (vv. 39–43)

Translation:

³⁹If your kinsman becomes poor under your authority and sells himself to you, you shall not make him work like a slave. ⁴⁰As a resident hired man he shall live under your authority. Until the year of jubilee he shall work for you. ⁴¹Then he shall go out from you—he and his sons with him. He shall return to his clan and live on the possession of his fathers. ⁴²For they are my slaves, whom I brought out from the land of Egypt: therefore they are not to be sold for a slave-price. ⁴³Do not rule over him with severity, but fear your God!

True slavery is forbidden for the kinsman. At most he may be sold into a type of indentured servitude. His working conditions must not be oppressive. In the year of jubilee he is to return to his clan and ancestral property. It is assumed that he has sons—heirs—who depart with him. The theological basis for this is that the Israelites are the slaves of the LORD, having been redeemed by him from Egypt: therefore they should not be sold to human masters.

It may be asked whether there is any substantive difference between the "indentured servanthood" permitted by Lev 25 and the true (albeit limited in duration) slavery permitted by Exod 21:1–6 and Deut 15:12–18. From the standpoint of everyday experience, there

⁴⁹ S. Loewenstamm, "נשך and מ/הרביה," *JBL* 88 (1969): 78–80.

⁵⁰ Milgrom, *Leviticus* 23–27, 2209–10.

⁵¹ Despite assertions to the contrary, it is still reasonable to suppose that an element of early Israel had experienced an "exodus" from Egypt. See Norbert Lohfink, "The Kingdom of God and the Economy in the Bible," *Communio* 13 (1986): 221; James K. Hoffmeier, *Israel in Egypt: The Evidence for the Authenticity of the Exodus Tradition* (New York: Oxford University Press, 1997); Karel van der Toorn, *Family Religion in Babylonia, Syria, and Israel: Continuity and Change in the Forms of Religious Life* (Studies in the History and Culture of the Ancient Near East 7; Leiden: Brill, 1996), 376: "Some of the [Israelite] clergy may well have consisted of the descendants of the small group of Western Asiatics that had participated in the exodus under the leadership of Moses."

may not have been much: the working conditions of the slave and the indentured servant may have been quite similar. But from a legal perspective, there were important distinctions. The slave did not have full civil rights and his condition was governed by peculiar laws (Exod 21:20–21; 26–27; 32) which classified certain injuries he might suffer as civil rather than criminal matters. Thus the distinction was not meaningless; while working conditions may have been similar, the indentured servant retained a more favorable legal status.

The fact that the impoverished kinsman is assumed to have “sons” (v. 41) brings up the issue of the type of Israelite this legislation is designed to protect. Based on the fact that Lev 25:41 describes an Israelite with heirs, while Exod 21:2–6 describes only a “Hebrew” who enters into slavery either single or married (v. 3) but not with children, some commentators have argued that Exod 21:2–6 and Lev 25:39–43 complement each other: Exod 21:1–6 addresses a man sold into slavery single or married, whereas Lev 25 applies to a man who enters slavery as a father of children.⁵²

It is uncertain whether in the present state of knowledge it can be shown that there is no tension between Exod 21:1–6 and Lev 25; there may be. However, it is a genuine insight into the respective texts to see that the *paradigm situation*—that is, the typical case which the legislation is designed to address—envisioned by each is different. The “Hebrew” slave of Exod 21 is apparently landless and childless, but may be married. The impoverished kinsman of Lev 25 is certainly landed—though his land is temporarily alienated—and he is assumed to have children.

Chirichigno, Schenker, and Wright argue that this impoverished kinsman of Lev 25 is an Israelite *paterfamilias*, and that judgment is almost certainly correct. Collateral evidence for this position is to be found in the rest of the Holiness Code, much of which seems to be addressed to the free male landed Israelite *paterfamilias*. It has already been noted above that Lev 18 addresses “the Israelite male in the prime of his life, head of his family.”⁵³ He owns land and works it (19:9–10), hires laborers (19:13), acts as judge for other kinsmen

⁵² Schenker, “The Biblical Legislation,” 27; Chirichigno, *Debt-Slavery*, 352; Christopher J. H. Wright, “What Happened Every Seven Years in Israel? Part II” *EvQ* 56 (1984):193–201, 196. Cf. Isaac Mendelsohn, *Slavery in the Ancient Near East*, 18–19, 85, 89, who insists that Lev 25 is “entirely different in character” from Exod 21 and Deut 15, with “no connection” between them. Mendelsohn believes Exod 21 and Deut 15 deal with defaulting debtors, whereas Lev 25 handles cases of self-sale.

⁵³ van der Toorn, *Family Religion*, 195.

(19:15–18), has a daughter (19:29) and a beard (19:27). The “you” of 25:35–46 by implication has an ancestral possession and the means sufficient to support or hire his impoverished “kinsman.” “Your kinsman” of 25:25–55 seems quite clearly to be the sociological equal of the “you”—i.e. a landed Israelite *paterfamilias* (as the term אֲדֹנָיִם implies)—who through impoverishment has lost all the resources that the “you” enjoys. Furthermore, the concern throughout Lev 25 is with the *land*, to ensure that it is not separated from its ancestral family. It follows that the impoverished Israelite with which Lev 25 is concerned is not a landless one whose enslavement does not threaten familial possession of the ancestral inheritance, but the head of the family who has title to the land of his fathers.

Whether or not there remains tension between Exod 21 and Deut 15 on the one hand, and Lev 25:44–46 on the other, will be discussed further below.⁵⁴ Nonetheless, the point is well taken that the *paradigm situations* of these respective legislative texts are different.

True slavery permitted for non-Israelites (vv. 44–46)

Translation:

⁴⁴The male or female slave that you (sg) do have is to come from the nations around you (pl): from them you (pl) may purchase male and female slaves. ⁴⁵Also from the children of resident aliens among you (pl): from them you (pl) may purchase (or from their families which are among you) whom they begot in your land, and they will be your (pl) possession. ⁴⁶You (pl) may bequeath them to your (pl) children after you (pl) as a permanent inherited possession. These you (pl) may enslave, but over your (pl) kinsman, an Israelite—one man over his kinsman!—you (sg) shall not rule with severity.

It is forbidden to hold an Israelite—at least an Israelite *paterfamilias*, as we have seen—in true slavery, but foreigners and resident aliens may be enslaved permanently.

There may be tension between these verses and both Exod 21:1–11 and Deut 15:12–18, which may allow slavery of Israelites, depending on what is meant by the term “Hebrew.”⁵⁵ While it is true that the paradigm situation for these other passages is probably the sale of dependents (young people) and not the *paterfamilias*, nonetheless, the Levitical author in the above passage does not suggest meeting the

⁵⁴ See Chirichigno, *Debt-Slavery*, 330.

⁵⁵ See discussion in Niels P. Lemche, “The Hebrew and the Seven Year Cycle,” *BN* 25 (1984): 65–75.

need for slaves by purchasing Israelite dependents, but strongly implies that all slaves in Israel should be non-Israelites. However, if “Hebrew” in Exod 21:1–6 and Deut 15:12–18 means “a non-Israelite Semite” or designates a particular socio-economic class, the apparent conflict between these laws and the stipulations of Lev 25 is removed. This possibility will be explored at greater length in the discussion of Deut 15 below.

Does the legislator intend this as an exhortation (“Try to get all your slaves from foreigners. . . .”) or as binding law (“No Israelite of any status may be enslaved. . . .”)? This is hard to answer. The legislator does not specifically discuss the purchase of Israelite dependents (בני אִחִיךָ). The negative prohibition on Israelite slavery is applied to אִשְׁרָאֵל, which—it was argued above—is not just any Israelite, but the peer of the primary addressee of Lev 25 (and most of the Holiness Code), namely the Israelite *paterfamilias*. But whether by these verses the Levitical legislator wishes completely to ban enslavement of Israelites of any status or only to exhort against it, it seems clear that in the legislator’s ideal all slaves of Israelites would be non-Israelites.⁵⁶

3.3.2.5. The loss of freedom to a foreigner (vv. 47–55)

Translation:

⁴⁷If an alien residing with you (sg) prospers, and your (sg) kinsman becomes poor and sells himself to the alien residing with you (sg) or to a member of the alien’s clan, ⁴⁸then after he is sold, he shall still have the right of redemption. One of his brothers may redeem him, ⁴⁹or his senior paternal uncle [דִּיד]—or that uncle’s son—may redeem him, or any relative from his clan may redeem him, or if he prospers he may redeem himself. ⁵⁰He shall reckon with his purchaser from the year of his purchase until the year of jubilee: the price of the sale shall be [applied] to the number of years, according to the rate for a hired man in the alien’s employ [lit. “with him”]. ⁵¹If there still remain many years,

⁵⁶ Nonetheless, despite what appears to be the obvious implications of the text, the legislator of Lev 25 may have been open to the temporary enslavement of Israelite dependents as in Exod 21:1–11. An analogy would be the U.S. Declaration of Independence, which states quite clearly, “We hold these truths to be self-evident, that *all* men are created equal. . . .” Nonetheless, many of the framers of this declaration did not intend that statement to apply to men of non-European descent. Similarly, when the Levitical legislator says “do not rule over your brother Israelite harshly,” he may be thinking only of the landed Israelite freeman. Unfortunately, neither Schenker nor Chirichigno devotes space to the exegesis of vv. 44–46; both skip from vv. 39–42 to vv. 47–55. These verses need to be addressed in order to sustain their theses.

he shall pay back proportionately from the price of his purchase.⁵² If few years remain until the year of jubilee, he shall compute with him [i.e. his buyer], and pay back for his redemption according to the year.⁵³ He shall be under him [the alien] like a hired man on a year-by-year basis. He shall not rule over him with severity before your (sg) eyes.⁵⁴ If he is not redeemed in [any of] these ways, he shall go out in the year of jubilee, he and his sons with him.⁵⁵ For the sons of Israel are my slaves. They are my slaves whom I brought out from the land of Egypt. I am the LORD your God.

The Israelite *paterfamilias* may not become the permanent slave of non-Israelites. If he sells himself (or is sold) to a foreigner, it is incumbent on his male relatives—in a certain order of priority—to redeem him, and if they cannot or will not, he can redeem himself if he is able. It is assumed that his purchase price is payment for years of labor until the next jubilee. The redemption price is therefore a refund for the years remaining until the jubilee—years of labor for which the purchaser paid but which he will not receive. Thus, a foreigner cannot truly enslave the Israelite man, but only bring him into indentured servitude.⁵⁷ He must treat him like a hired man and refrain from oppressing him. At the year of jubilee, the Israelite man goes free with his sons. The principle is that the Israelites are divine slaves—hierodoules—who are not to be subjected to human slavery.

The duty of redemption falls first on brothers, then on the דוד, then on the son of the דוד, and finally on any (male) relative of the clan. As van der Toorn points out, the דוד is not just any uncle, but the father's oldest brother, who assumes the role of *paterfamilias* upon the death of the (grand)father. The son of the דוד would be

⁵⁷ Schenker has argued that these verses grant special privileges to foreigners—inasmuch as they are allowed to own Israelite debt-slaves whereas Israelites are not—and therefore point to a post-exilic origin of Lev 25, when Israel had to endure a privileged resident foreign population (“The Biblical Legislation,” 39–40; to the contrary see Milgrom, *Leviticus* 23–27, 2236). This theory cannot be sustained for numerous reasons. First, this legislation points to a time when Israelites could enforce their will on resident aliens, whom they could permanently enslave (vv. 44–46) although the reverse was disallowed (vv. 47–55). Foreigners were compelled to grant Israelite slaves the right of redemption (v. 48), to treat them like hired men (v. 53), and to release them in the jubilee (v. 54). Secondly, even if the legislation *did* point to a time when Israel had to endure a privileged resident alien population, this could apply equally well to the pre-monarchic period, in which the Israelites were frequently oppressed by surrounding ethnic groups (so the entire book of Judges, I Sam. 13:19–22, etc.). Compare also the non-reciprocal slave regulations between Hattusa and Luwya (Hittite Laws §19–21, *ANET* 190a).

his firstborn son, to whom the role of *paterfamilias* would devolve if the אב himself were dead.

It is curious that the man's father is not listed in the line of redeemers. The impoverished Israelite who is the subject of vv. 25–55 is a landed one, and land would normally be inherited upon the father's death. So perhaps the father is presumed dead.⁵⁸

A different question is why the redeemer appears here (vv. 47–55) but not in the previous stages of progressive impoverishment (vv. 35–38, vv. 39–43). Certainly sale to a foreigner was a more serious situation, and therefore the demand for redemption was greater. Milgrom suggests that since true slavery was not involved in vv. 35–43, there was no need of redemption. However, true slavery is not involved in vv. 47–55 either (v. 53).

Another possibility deserves greater consideration; namely, that the “you” of vv. 35–38 and vv. 39–43 is the redeemer (גאל) of the אדון. In fact, the way that אדון comes under the authority of “you” (v. 35) is when “you” redeem his land:

The Israelite redeemer could and probably would hold on to the redeemed relative until the jubilee so that, analogously to redeemed land, he would be fully reimbursed for his expenses. The redeemer would enjoy the usufruct of the redeemed land worked by the redeemed kinsman, who would receive wages for his work as a hired laborer.⁵⁹

It is therefore suggested that vv. 35–38 cover the case when a kinsman becomes dependent on the redeemer after the redemption of his land, and vv. 39–43 cover the case when a kinsman's own person becomes obligated to the redeemer after self-sale to the kinsman or redemption from slavery to a foreigner. This explains the omission of the גאל in vv. 35–43: “you” is the גאל.⁶⁰

4. Summary

Leviticus 25 forms the climax of the predominantly social legislation of Lev 17–25, and corresponds to the Day of Purgation as the climax of the predominantly cultic legislation of Lev 1–16. It is there-

⁵⁸ For a different explanation, see Milgrom, *Leviticus* 23–27, 2237–38.

⁵⁹ Milgrom, *Leviticus* 23–27, 2237.

⁶⁰ Contra Milgrom, *Leviticus* 23–27, 2216–17; and Chirichigno, *Debt-Slavery*, 329; neither of whom considers this option.

fore appropriate that the jubilee is proclaimed on the Day of Purgation. As the kingly rule of the patron deity of Israel is re-affirmed and renewed through the purging of the sanctuary, the deity expresses his justice and righteousness by proclaiming freedom to his servants who live on his sacred estate.

The cycle of the jubilee is based on the cycle of the sabbatical year (Lev 25:1–7), which ordained a fallow for the land every seven years. Such a fallow cycle was not unworkable and is known to have been observed in the Second Temple period.

The jubilee was the “fiftieth” year, the year following the seventh sabbatical year, on the model of the calculations of the Feast of Weeks/Pentecost (Lev 23:15–16). The resulting two successive fallow years seem problematic, but are not decisive for identifying the *Sitz-im-Leben* of the text.

The primary imperative of the jubilee was the return of each Israelite to his ancestral possession of land and his clan. The reunification of family with land is the central concern of all the stipulations.

The largest part of the text (vv. 23–55) provides legislation governing the case of a progressively impoverished free landed Israelite *paterfamilias*, who is forced to sell his land (vv. 25–28), then his house (vv. 29–34), then to become dependent on his kin (vv. 35–38), and finally to sell his person to kin (vv. 39–43) or to foreigners (vv. 47–55). This *paterfamilias* may not be reduced to true slavery, but only to indentured servitude which lasts until redemption by himself or his kin, or the jubilee.

CHAPTER FIVE

THE JUBILEE IN OTHER PENTATEUCHAL TEXTS

Outside of Lev 25, the jubilee is mentioned in the Pentateuch also in Lev 27:16–25 and Num 36:4. In addition, the legislation for the year of *shemittah* (release) in Deut 15 overlaps with the jubilee legislation to such a degree that some explanation must be offered for the relationship of the two institutions. In examining these texts, the goal will be to ascertain what light they shed on the development and reception of the jubilee concept.

1. *Leviticus 27*

Leviticus 27 provides regulations governing the dedication of persons, animals, real estate, or produce to the LORD, i.e. to his sanctuary. The jubilee is mentioned six times in Lev 27, all in the unit concerning consecration of real estate, vv. 16–24.

1.1. *Sitz-im-Leben*

The dating of Lev 27 is difficult to establish, since it is a short, seemingly independent unit with virtually no references to historically identifiable events or conditions.¹ Nonetheless, “there are other indications that the language and provisions of that chapter are rooted in archaic and conservative cultic practices.”² Some of the evidence of the antiquity and at least pre-exilic date of the text include the following:

- A. The obscure animal-exchange transaction of v. 12 “has been shown to be part of an authentic and old economic procedure with analogues at Nuzi.”³

¹ Jacob Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary* (AB 3B; New York: Doubleday, 2001), 2409; Martin Noth, *Leviticus* (OTL; London: SCM Press, 1965), 203–4.

² Carol Meyers, “Procreation, Production, and Protection: Male-Female Balance in Early Israel,” *JAAAR* 50 (1984): 584.

³ Meyers, “Procreation,” 584; citing Ephraim A. Speiser, “Leviticus and the Critics,” in *Yehezkel Kaufmann Jubilee Volume* (ed. M. Haran; Jerusalem: Hebrew University Press, 1960), 29–46.

- B. The rare word “your valuation” (ערכך) is, by all appearances, archaic.⁴
- C. The classification of persons in Lev 27 is remarkably similar to Middle Babylonian work rosters for slaves.⁵
- D. The practice of vowing persons is very old, attested in narratives dealing with the pre-monarchic period (1 Sam 1:11; Judg 13:7; cf. Num 6:2). Vow-regulations at least similar to Lev 27 must have been in existence at that time.⁶
- E. The same organizing principle for the different kinds of *sancta* in Lev 25 is attested in the Hittite “Instruction to Temple Officials.”⁷
- F. Outside of the Bible, the only attestation of the word חרם is the 9th-century B.C.E. Moabite Inscription, which certainly indicates at least a pre-exilic provenance for this concept.⁸

It seems reasonable to conclude with Meyers that “an early date for this chapter in its overall form and content, if not all its specific details, cannot be ruled out.”⁹ There are no fatal objections to understanding this chapter in the same historical context argued for Lev 25 above.

⁴ Meyers, “Procreation,” 584; citing Speiser, “Leviticus.” It has now been attested also in the late iron age. See Esther Eshel, “A Late Iron Age Ostrakon Featuring the Term L’TRKK,” *IEJ* 53 (2003): 151–63.

⁵ Meyers, “Procreation,” 584; citing J. Brinkman, “Forced Laborers in the Middle Babylonian Period” (paper given at the American Oriental Society Meeting in St. Louis, 1979).

⁶ Meyers, “Procreation,” 585.

⁷ Milgrom, *Leviticus* 23–27, 2402–7; cf. *ANET*, 207–10.

⁸ Milgrom, *Leviticus* 23–27, 2391; cf. *ANET*, 320; also noted by Norman H. Snaith, *Leviticus and Numbers* (The Century Bible; London: Nelson, 1967), 176.

⁹ See Meyers, “Procreation,” 584. It is sometimes claimed that Lev 27 represents a currency-economy which only arose in the Persian period. However, “shekel” can refer to weight, and does not necessarily indicate coinage (*idem*, 585). Milgrom cites evidence that fifty shekels for an adult male corresponds to Assyrian slave-market prices in the 8th and 7th centuries (Milgrom, *Leviticus* 23–27, 2409; citing Kenneth A. Kitchen, “The Patriarchal Age: Myth or History?” *BAR* 21 [1995]: 52 and Claude H. W. Johns, *Assyrian Deeds and Documents*, 3 vols. [Cambridge: Deighton Bell, 1924], 3:542–46; cf. 2 Kgs 15:20). This is a good piece of evidence for Milgrom’s contention that H is from the 8th century, but it is not conclusive, since slave-prices are known to have varied considerably in practice throughout the ancient Near East (see Isaac Mendelsohn, *Slavery in the Ancient Near East* [New York: Oxford University Press, 1949], 117–18). Furthermore, we do not know if the prices in Lev 27 represent the going rate for slaves at the time of composition, or were intentionally higher or lower.

1.2. *Sitz-im-Buch*

As Milgrom notes, Lev 27 is closely related thematically to Lev 25.¹⁰ This is obvious on a purely lexical basis by the repetition of the key-words יָבֵל ("jubilee," vv. 17, 18 [twice], 21, 23, 24), אֲחֻזָּתוֹ ("his possession," vv. 16, 21), גָּאֵל ("to redeem," vv. 13, 19, 20, 27, 28, 31, 33), יָמֵךְ/מָךְ ("to be/become poor," v. 8), and שׁוֹב ("to return," vv. 18, 24); all of which function prominently in Lev 25.

All of Lev 27 can be unified under the theme of "redemption of property given over to God."¹¹ Leviticus 25, on the other hand, concerns redemption of property given over to human beings. These two chapters on redemption—one of human and the other of divine property—flank Lev 26, which warns of the consequences of ignoring the commands of the LORD. Leviticus 26 was shown above to have strong lexical and thematic links to Lev 25.¹² Therefore, it is possible to view the whole complex Lev 25–27 as a unit,¹³ linked by the repeated identification of these commands as coming from the LORD to Moses on Sinai (25:1; 26:46; 27:34), an identification which does not occur elsewhere in the Holiness Code.

Leviticus 25 and 27 correspond to one another in a chiasmic fashion, which points to their framing function around Lev 26. As noted in the previous chapter, the pattern of Lev 25:25–55 follows the progressively more serious impoverishment of the Israelite landowner: first he sells his land (vv. 25–28), then his house (v. 29–34), then his own person (vv. 39–55). Lev 27 reverses the progression, beginning with the redemption of consecrated persons (vv. 2–8), then houses (vv. 14–15), then land (vv. 16–24). The chiasmic pattern is real though imperfect.¹⁴

There is also a logic to the sequence of chs. 25, 26, and 27. Leviticus 26 follows directly on ch. 25 because the legislator wishes

¹⁰ Milgrom, *Leviticus 23–27*, 2383: "The frequent mention of the jubilee and redemption indicates that this chapter is the logical continuation of ch. 25 and must, therefore, stem from the hand of H."

¹¹ Even though the word גָּאֵל does not appear in vv. 2–8, the *concept* is present: persons consecrated to the LORD are immediately redeemed.

¹² See above, pp. 81–83; also Christopher J. H. Wright, *God's People in God's Land: Family, Land, and Property in the Old Testament* (Grand Rapids: Eerdmans, 1990), 149–51.

¹³ So Norman C. Habel, "Land as Sabbath Bound: An Agrarian Ideology," in *The Land is Mine: Six Biblical Land Ideologies* (OBT; Minneapolis: Fortress, 1995), 97–114.

¹⁴ For example, the intermediate stage of dependency (Lev 25:35–38) and the redemption of consecrated animals (Lev 27:9–12) correspond in the chiasmic sequence (!) but seem unrelated to each other.

to stress that—of all Israel's transgressions that result in the fulfillment of the covenant curses—the failure to observe the sabbatical year (and by extension also the jubilee)¹⁵ is particularly noteworthy (26:34–35). Furthermore, the curses of ch. 26 are only actualized for Israel's failure to observe those statutes of the LORD which were obligatory, which characterizes all the legislation up to ch. 26. Leviticus 27, the other hand, concerns vows, which are not obligatory but voluntary.¹⁶ Therefore, failure to perform the vows described in Lev 27 does not provoke the actualization of the curses of Lev 26. Thus, Lev 27 stands outside the bounds of the covenant curses of Lev 26 both textually and legally.

1.3. *Explanation of Lev 27:14–24*

The unit of Lev 27 of primary concern to this study is vv. 14–24, which focuses on the redemption of vowed real estate and contains all the references to the jubilee to be found in the chapter.

These verses regulate the donation of houses (vv. 14–15) and land (vv. 16–24). If someone wishes to consecrate (שָׁדַח) his house to the LORD, a priest must appraise it (v. 14). The priest's appraisal is final: it cannot be appealed (v. 14).¹⁷ Presumably, the consecrated property then becomes part of the sanctuary estate, managed by the priests on behalf of the deity. Should the original owner ever wish to recover the property, he must pay 120% of its appraised value (v. 15).

Presumably it is urban houses that are described in these verses, since nothing is said about the jubilee in relation to their consecration, in keeping with the exception from the jubilee made for urban dwellings (Lev 25:29–30). On the other hand, the one-year limit on redemption rights for city houses (Lev 25:29–30) is not reiterated

¹⁵ Wright, *God's People*, 150.

¹⁶ Cf. John E. Hartley, *Leviticus* (WBC 4; Dallas: Word Books, 1992), 479. It might be objected that not all of Lev 27 covers voluntary offerings: the tithe (vv. 30–33) and firstlings (vv. 26–27) are mandatory. But the laws of the firstlings and tithes are placed at the end of the regulations for vows because they represent exceptions to the principles laid out in the previous verses: i.e. lest someone think that the principle of redemption applicable for voluntary offerings also applied to mandatory ones. The primary concern of Lev 27 remains voluntary offerings.

¹⁷ This may indicate that there was a problem with donors haggling with the priest, perhaps in a way similar to the modern (American) practice of donors attempting to get high appraisals of the value of in-kind donations in order to gain a larger tax write-off.

here. Therefore, it was perpetually possible for donors to redeem houses consecrated to the LORD. This would tend to encourage redemption and may indicate that the priests had no particular desire to acquire too many properties to manage on behalf of the sanctuary.

The consecration of arable land operated differently. It was appraised on the basis of its "seed requirement" (v. 16). There has been debate whether this phrase (לפי זרעו) means "the seed it produces" or "the seed required to plant it."¹⁸ If the former, then the value of the field would be based on the value of the crops it produces yearly. Since a *homer* of barley is thought to have cost one shekel, the fifty-shekels-per-homer ratio of v. 16 would make good sense: one shekel per homer per year, for the fifty years of a jubilee period. Thus, the price of the field is set at the total value of the crops it would produce during the jubilee cycle.¹⁹

However, there are two objections to this proposal: (1) the amount of seed produced varied greatly year by year, and could not accurately be estimated, (2) seed mensuration of agricultural land in the ancient Near East is known to have been based only on seed required for sowing.²⁰ This second objection is fatal, and therefore it must be assumed that לפי זרעו refers to the seed required to plant the field.

Moreover, as attractive as the equation "one shekel per homer per year of the jubilee cycle" is, on closer inspection it can be seen that there could only have been a symbolic correspondence between the shekels-per-homer and the years of the cycle, because in a fifty-year jubilee cycle there are nine fallow years (two jubilees and seven sabbaticals; see ch. 4, Figure 2) and only 41 years of crops.

Whatever the basis of the "fifty shekels per homer" appraisal ratio, the appraisal value of arable land decreases with the approach of the jubilee (vv. 17–18). This follows the procedure for sale of land in Lev 25:15–16, and indicates that what is being consecrated is the number of harvests until the next jubilee, and not the land itself, which reverts to the owner at the jubilee. The land, once consecrated, can be redeemed before the jubilee for 120% of its appraised value (v. 19).

¹⁸ See discussion in Milgrom, *Leviticus* 23–27, 2382, 2434–36; Gordon J. Wenham, *The Book of Leviticus* (NICOT; Grand Rapids: Eerdmans, 1979), 339–40.

¹⁹ So Wenham, *Leviticus*, 339–40.

²⁰ See Milgrom *Leviticus* 23–27, 2382, 2434–36.

There is debate about how to understand v. 20:

וְאִם־לֹא יִנְאַל אֶת־הַשָּׂדֶה וְאִם־מָכַר אֶת־הַשָּׂדֶה לְאִישׁ אֲחֵר לֹא יִנְאַל עוֹד²⁰

If he does not redeem the field and sells the field to another man, he will not [be able to] redeem [it] again.

Part of the debate concerns whether to take the two conditions of the protasis as conjunctive (“If he does not redeem and sells the field”) or disjunctive (“If he does not redeem, or if he sells the field”).²¹ It seems that the choice must be for the conjunctive reading, because a disjunctive reading (“If he does not redeem, or if he sells”) implies that any land not redeemed before the jubilee automatically reverts to the sanctuary. This, however, would render senseless the devaluation of the property with the approach of the jubilee year (v. 18): if the land would automatically revert to the sanctuary at the jubilee, its value to the sanctuary would by no means decrease as the jubilee cycle drew to a close. Therefore, the only option is a conjunctive reading of v. 20: “If he does not redeem [and instead] the land is sold to another, it shall no longer be redeemable.”²²

The situation envisaged is probably a case of unethical practice on the part of the donor.²³ Reneging on his vow, he attempts to sell his consecrated land. If such fraud is discovered, the land is permanently forfeit to the sanctuary at the year of jubilee.

The fact that the land forfeited in this manner becomes the “possession of the priest” (לִכְהֵן תְּהִיָּה אֲחֻזָּתוֹ) does not contradict the ban on priests owning personal property (Num 18:20), because what is envisioned here is land managed by the priests on behalf of the sanctuary, not land which becomes the personal inheritance of an individual priest.²⁴

²¹ See, for example, the exchange between Walter Houston, “Contrast in Tense and Exegesis: The Case of the Field Vowed and Sold, Lev XXVII 20,” *VT* 49 (1999): 416–20 and Joshua R. Porter, “Lev XXVII 20: Some Further Considerations,” *VT* 50 (2000): 569–71.

²² So Milgrom, *Leviticus* 23–27, 2384–85; contra Wenham, *Leviticus*, 340.

²³ So Porter, “Lev XXVII 20,” 569–71; Noth, *Leviticus*, 206; Snaith, *Leviticus and Numbers*, 176; Wenham, *Leviticus*, 340. Milgrom offers an alternative and admittedly plausible explanation: he reads the verb “sold” as a pluperfect, thus, “If he does not redeem and the land had been sold to another, it shall no longer be redeemable.” This is a case in which the owner of a field consecrates property he has already sold, thus indicating his desire to transfer it to the sanctuary upon the arrival of the jubilee (see Milgrom, *Leviticus* 23–27, 2384).

²⁴ So Milgrom, *Leviticus* 23–27, 2385.

Nor can this punitive clause, by which some land can become the permanent possession of the sanctuary, be cited as evidence that the priesthood possessed great power in ancient Israel because only they could progressively acquire land.²⁵ The cases in which the land would become the permanent property of the sanctuary would be rare: in fact, this punitive, permanent alienation was designed to *discourage* the unethical practice (v. 20) which gave rise to it. Furthermore, if it was the intention of the priests to accumulate vast holdings of property on behalf of the sanctuary, they could have exempted consecrated lands from the jubilee release and made all property donated to the sanctuary irredeemable. But to the contrary, the whole unit vv. 14–24—if viewed as the product of priestly writers—testifies to remarkable restraint on their behalf, inasmuch as they refrain from violating the religious principle of the inalienability of the land even when it would be to their socio-economic benefit.

Consecration of purchased property follows a different procedure (vv. 22–24). The system of appraisal is the same, but the donor must pay the cash equivalent immediately, since the field could be redeemed by the true owner at any time, thus causing the sanctuary to lose part or all of the value of the consecration (v. 23). In the jubilee, the land naturally reverts to the original owner (v. 24).

1.4. *Conclusion*

What light does Lev 27 throw on the jubilee and the history of its reception? In all likelihood it throws little light on the latter: the common lexemes and themes that tie Lev 27 to Lev 25, as well as the indications of the antiquity of Lev 27 enumerated above, suggest that both pieces of legislation originated from the same or similar legislator(s) in the same or similar historical-cultural location(s). Thus, Lev 27 pertains more to the “original” jubilee legislation and not so much to the history of its reception.

The extensive integration of the jubilee into the laws of consecrated land (vv. 16–24) and the congruence between the operational principles of the jubilee in Lev 27 and in Lev 25 suggests careful thought and intentionality.²⁶ Specifically, it suggests that the jubilee was

²⁵ Migrom, *Leviticus* 23–27, 2385; contra Habel, “Land as Sabbath Bound,” 111–13.

²⁶ For example, the exception of houses from the jubilee provisions (Lev 27:14–15

at least *intended* as practicable law. The regulation of donations of property to the sanctuary would of course be of great concern to the priestly caste in any historical-cultural setting one may wish to place the origins of Lev 27. It is difficult to imagine the priesthood in any period—pre-monarchic, monarchic, exilic, or post-exilic—promulgating laws for the donation of property to their own cult which were based on an institution (the jubilee) which was not in practice and could not reasonably be expected to be put into practice. Thus, Lev 27:14–24 is some evidence that the jubilee was actually practiced, and strong evidence that it was at least intended to be practiced.

Furthermore, the fact that the provisions for donated land in vv. 16–24 recognize the validity of the jubilee principle of the inalienability of ancestral land—to the detriment of revenue for the cult (and therefore the priesthood)—speaks against hermeneutically suspicious interpretations of the jubilee, such as the popular view that the jubilee legislation was a complex ploy by early post-exilic priests to retrieve lands lost in the exile.²⁷

Theologically, Lev 27:16–24 speaks to the sacredness of the jubilee in the eyes of the Levitical legislator. The jubilee is respected by God himself. Not even the LORD will violate the inalienability of the ancestral holding by accepting permanent donations to his own cult—despite the fact that he is ultimately the true owner of the land (Lev 25:23)! Thus, we have a certain paradox: the land is the LORD's and truly his, and yet he is determined that nothing should prevent his people from enjoying his land perpetually. The LORD's will is to use his property to bless his people (cf. Lev 26:3–13).

2. *Numbers 27 and 36*

There is a brief and tantalizing reference to the jubilee in Num 36:4:

4 ואִסְדִּיחִיהָ הִיבֵל לִבְנֵי יִשְׂרָאֵל וְנוֹסַפָּה נָחֻלָּתָן עַל נַחֲלַת הַמִּשְׁטָּה אֲשֶׁר תְּחַיִּינָהּ לָהֶם
וּמִנַּחֲלַת מִשְׁטָּה אֲבֹתֵינוּ יִנְרַע נָחֻלָּתָן:

and Lev 25:29–30), the method of calculation of the value of land (Lev 27:18, 23 and Lev 25:15–16, 50–52), and possibly the significance of the number fifty (Lev 25:10 and Lev 27:16).

²⁷ See my article on the subject, John S. Bergsma, “The Jubilee: A Post-Exilic Priestly Attempt to Reclaim Lands?” *Bib* 84 (2003): 225–46.

⁴And even when there will be a jubilee for the sons of Israel, their inheritance will be added to the inheritance of the tribe into which they marry, and their inheritance will be cut off from the inheritance of the tribe of our fathers.

This reference occurs in the context of legal discussions concerning the peculiar circumstances of the daughters of one Zelophehad of the tribe of Mannaseh, who died without a male heir. In order to grasp the significance of this verse for understanding the jubilee, it is necessary to examine both pericopes concerned with the daughters of Zelophehad: Num 27:1–11 and Num 36:1–12.

2.1. *Sitz-im-Leben*

Although it is a traditional assumption that the P-material of Numbers was created or at least heavily redacted in the post-exilic period, there is nothing in Num 27 or 36 which points to the exilic or post-exilic period as the time of their origin or even of their redaction.²⁸ That is not to say that the texts would have *no* significance to the Jews of the post-exilic period. But the fact that the post-exilic community may have found some significance in these narratives does not necessarily point to the post-exilic period as the time of their origin or

²⁸ The arguments advanced by some commentators for the lateness of these narratives (e.g. George B. Gray, *A Critical and Exegetical Commentary on Numbers* [ICC; Edinburgh: Clark, 1903], 397) are based on silence and the assumption of the Graf-Wellhausen dating of the Pentateuchal literary strata. Gray argues Num 27 is late because (1) pre-exilic sources are silent about the right of a daughter to inherit, and (2) Deut 21:15 and 25:5–10 recognize only sons as heirs; thus inheritance rights for daughters were unknown at the time of the composition of Deuteronomy. In response to this, it should be pointed out that (1) Gray's first point begs the question of whether Num 27 is a pre-exilic text, (2) the biblical historical sources are *ad hoc* and selective (cf. Gregory C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East* [JSOTSup 141; Sheffield: JSOT Press, 1993], 356) and arguments from their silence are of little value, (3) it is too facile to assume that if Num 27:1–11 is indeed ancient, it would have been obeyed throughout the biblical period—which Gray seems to do, (4) neither Deut 21:15 nor Deut 25:5–10 deal with the situation of Num 27, in which apparently both a man *and his wife* (cf. Milgrom, *The JPS Torah Commentary: Numbers* [New York: JPS, 1990], 231; Timothy R. Ashley, *The Book of Numbers* [NICOT; Grand Rapids: Eerdmans, 1993], 544) have died, leaving no male heir; and (5) Gray's citation of the Deuteronomic material is only relevant if it is *assumed* that D pre-dates P (which assumption can no longer be made without argument in light of challenges by Yehezkel Kaufmann, Moshe Weinfeld, Richard E. Friedmann, Sara Japhet, Jacob Milgrom and others) and it is *assumed* that if D had known about inheritance rights of daughters, he would have approved and transmitted such legislation rather than suppressed or abrogated it.

even redaction,²⁹ any more than the fact that modern Jews or Christians might find significance in these narratives points to the twentieth century as the time of their creation.

On the contrary, many factors indicate that the concerns of Num 27 and 36 were moot by the time of the return from exile. The territory which became associated with the clan of Manasseh and the names of Zelophehad's daughters had been laid waste already in the Assyrian destruction of the Northern Kingdom in 722/21 B.C.E. It was not part of the territory settled by the Judahites after the exile. Concern for the integrity of tribal inheritances would have been anachronistic in the post-exilic period, in which tribal consciousness had been reduced to quaint references to "Judah and Benjamin."³⁰ In fact, Horst Seebass argues, on the basis of 1 Kgs 4:10, that already in Solomon's time, Manasseh was no longer a functioning political unit.³¹ The clan itself (*mišpāḥā*) was a nearly dead institution in the post-exilic period:³² notions of clan had been reduced to the memory of one's ancestral town,³³ and genealogical records were in disarray even for priests³⁴—who of all societal castes had the most motivation, skill, and opportunity to preserve such records. So far from marrying

²⁹ For example, Philip J. Budd states, presumably as evidence of the post-exilic redaction of the text, that "the circumstances of the exile and return made the question of access to land, and the associated rights, a real and live issue" (*Numbers* [WBC; Waco, TX: Word Books, 1984], 302; no sources or evidence is cited). While this is true, it is also the case that the "question of access to land and the associated rights" was a "real and live issue" in every period of Israel's history—indeed, to the present day. Furthermore, it was and is a real issue in all but a few human societies from ancient times to the present. Even if it could be shown that land issues were particularly acute during the post-exilic period—which has yet to be done—this still would not demonstrate that the legislation originated or was redacted in the post-exilic period. It may have originated earlier, when land-issues were less acute but still important (as Katherine Doob-Sakenfeld concedes, "Zelophehad's Daughters," *PRSt* 15 (1988): 37–47, here 45).

³⁰ Ezra 1:5; Sakenfeld admits "tribal structure was not a prominent feature of social organization in the post-exilic community" ("Zelophehad's Daughters," 44).

³¹ Horst Seebass, "Zur juristischen und sozialgeschichtlichen Bedeutung des Töchtererbrechts nach Num 27,1–11 und 36,1–12," *BN* 102 (2000): 26–27: "Denn schon in der Gauliste Salomos findet man Manasse nicht mehr berücksichtigt, wohl aber Chefer als Oberzentrum (1 Kön 4, 10), das in der Sippenliste von Num 26,29–34 dem Vater Zelofchad vorangeht"; cf. John Gray, *I & II Kings: A Commentary* (OTL; Philadelphia: Westminster, 1963), 192: "A patriarchal society . . . was more ideal than real by Solomon's time."

³² Arndt Meinhold, "Zur Beziehung Gott, Volk, Land im Jobel-Zusammenhang," *BZ* n.s. 29 (1985): 258, esp. n. 94.

³³ Cf. Ezra 2:3–35, where the Israelites are frequently listed as "sons" not of an ancestor but of their ancestral city, town, or village.

³⁴ Cf. Ezra 2:62–63.

within their clan, the returning exiles did not even marry within their nation.³⁵ Babylon had been a centralized, urban society in which the exiles could not maintain what little clan structure may have remained in the time of the late monarchy. But even long before the exile—as numerous studies have demonstrated³⁶—the traditional Israelite tribal social structure had suffered irreparable damage due to the rise of a typical ancient Near Eastern urban socio-economic system.

There is good evidence that Numbers preserves ancient material.³⁷ On the basis of the Samarian Ostraca, scholars have shown that the lists of the clans of Manasseh reflected in Num 26 and 27 are pre-monarchic.³⁸ With regard to legal precedents, there are remarkably similar pieces of legislation to Num 27:8 attested in Mesopotamia from the third and second millennia.³⁹ As noted above by van der Toorn, the practice of clan endogamy, the inalienability of ancestral land, and the importance of the perpetuation of the name of the ancestor all cohere with what is known about ancient Israelite tribal society.⁴⁰

The narratives of Zelophehad's daughters appear to be traditions arising in the early pre-exilic period of Israel's history.⁴¹ Shot through as they are with concern for kinship ties, ancestral property, and the

³⁵ Ezra 9–10; Neh 13:23–28.

³⁶ Eduard Neufeld, "Socio-economic Background of *Yōḥēl* and *Šmīṭta*," *RSO* 33 (1958): 53–124; idem, "The Emergence of a Royal-Urban Society in Ancient Israel," *HUCA* 31 (1960): 31–53; Meinhold, "Beziehung," 246–48; H. E. von Waldow, "Social Responsibility and Social Structure in Early Israel," *CBQ* 32 (1970): 182–204; Hans Wildberger, "Israel und sein Land," *EvTh* 16 (1956): 404–22, esp. 413–15; Israel Finkelstein, "The Emergence of the Monarchy in Israel: The Environmental and Socio-Economic Aspects," *JSTOT* 44 (1989): 43–47; Wright, *God's People*, 258; Karel van der Toorn, *Family Religion in Babylonia, Syria, and Israel: Continuity and Change in the Forms of Religious Life* (Studies in the History and Culture of the Ancient Near East 7; Leiden: Brill, 1996), esp. 266–338 and 352–62.

³⁷ See Milgrom, *Numbers*, xxxii–xxxvii; Roland K. Harrison, *Introduction to the Old Testament* (Grand Rapids: Eerdmans, 1969), 614–22; and the literature cited in both.

³⁸ See André Lemaire, "Le « Pays de Hépher » et les « filles de Zelophehad » à la lumière des ostraca de Samarie," *Semitica* 22 (1972): 13–20; idem, "Le 'Pays de Hephher' et les 'filles de Zelophehad'," in *Inscriptions hébraïques I. Les ostraca* (ed. André Lemaire; LAPO 9; Paris, 1977), 286–89; Milgrom, *Numbers*, 224.

³⁹ Raymond Westbrook, *Property and the Family in Biblical Law* (JSOTSup 113; Sheffield: Sheffield Academic Press, 1991), 162; citing the inscription of Gudea of Lagash (end of third millennium), Cylinder B 7:44–46; and the Codex Lipit-Ishtar (early second millennium; fragment published by M. Civil, "New Sumerian Law Fragments," in *Studies in Honor of Benno Landsberger* [AS 16; Chicago: Chicago University Press, 1965], 4: UM 55–22–71 col. ii 8'–11').

⁴⁰ van der Toorn, *Family Religion*, 200–201.

⁴¹ Thus, Michael A. Fishbane suggests "the historical reality of inheritance procedures at the time of the original land division may be the *Sitz-im-Leben* for the case

perpetuation of descendants,⁴² Num 27:1–11 and 36:1–12 fit well the portrait of tribal Israel sketched above as the context for the origin of the jubilee.

2.2. *Sitz-im-Buch*

The Book of Numbers does not display the same degree of organization as other books of the Pentateuch,⁴³ and therefore opinions about its overall structure—if there is one at all—vary widely.⁴⁴ Num 27:1–11 is usually deemed to make reasonable sense in its present position in the book due to the link with the genealogical note about Zelophehad in the census of Num 26 (v. 33).⁴⁵ Num 36, however, is frequently regarded as a mere appendix to the book, and perhaps an ill-suited

of Zelophehad's daughters," (*Biblical Interpretation in Ancient Israel* [New York: Oxford University Press, 1985], 104 n. 48). Seebass is willing to concede that Num 27:1–7 and the core of Num 36 are "relativ alt," i.e. pre-Solomonic ("Zur Bedeutung," 27). Milgrom places the origin of Num 36 in a period in which tribal authority surpassed that of the clan, and (by implication) Num 27:1–11 even earlier (*Numbers*, 512). This places both narratives in the pre-monarchic period. To the contrary, Budd asserts "it is far from obvious that there is any earlier tradition within the section" (*Numbers*, 389). Unfortunately, Budd does not elaborate his reasoning. Other scholars have argued for a post-exilic date for the final form of these narratives because "inheritance by daughters was unknown in pre-exilic Israel." What evidence these scholars are pointing to remains unclear. There are very few records of inheritance transactions in the DtH or pre-exilic prophets. There are no biblically recorded cases that directly contradict Num 36: that is, in which a man and his wife are deceased, leaving daughters but no sons, and the property (nonetheless) is not given to the daughters.

It has also been argued that the stories of Zelophehad's daughters arose in the post-exilic period as a way of addressing problems with land allocation in the restoration (see Zafira Ben-Barak, "The Inheritance by Daughters in the Ancient Near East," *JSS* 25 (1980): 22–30). This is possible, but it is far from obvious why post-exilic priest-scribes would take the trouble to compose these complicated narratives, re-using the names of long-defunct clan territories now (possibly) associated with the disdained, rival proto-Samaritan culture taking shape to the north of Yehud, in order to address contemporary land tenure issues. It would be more economical simply to retroject a law of inheritance concerning daughters as being revealed by God to Moses on Sinai.

⁴² Snaith claims that the concern for inheritance laws in both pericopes is merely apparent, and their true concern is to explain the settlement of Manassehite clans in Cisjordan ("The Daughters of Zelophehad," *VT* 16 [1966]: 126). Seebass argues similarly ("Zur Bedeutung," 26). To the contrary, see Ashley, *Numbers*, 545.

⁴³ So Dean R. Ulrich, "The Framing Function of the Narratives about Zelophehad's Daughters," *JETS* 41 (1998): 530–31, and the commentators cited therein.

⁴⁴ Ulrich, "Framing," 531.

⁴⁵ Gray, *Numbers*, 397.

one at that.⁴⁶ It presupposes Num 27 and therefore must postdate it. The postdating is considered confirmed by the presence of terms of later origin in Num 36 that are lacking in Num 27.⁴⁷

However, Dean R. Ulrich has argued convincingly that the purpose of the present location of Num 27 and 36 is to form an inclusio around the second part of the book of Numbers: that part of the book concerned with the fate of the second generation in the wilderness. The open-ended, anticipatory nature of the narratives about Zelophehad's daughters—they are promised a land inheritance, but will Israel ever enter the land?—is indicative of the theme of Numbers itself.⁴⁸

A possible explanation for the positions of Num 27 and 36 and their relationship to each other is as follows: the narratives arose in approximately the same time and place, and were originally united. At the time when Numbers was edited into its final form, a redactor split the two narratives, placing them like two bookends at the beginning and the end of his collection of traditions about the second generation in the wilderness. This same redactor was responsible for the few instances of late language in Num 36.⁴⁹

Num 35 deals with themes common to the jubilee: apportionment of land, setting aside cities for the Levites, and the responsibilities of the go'el. Thus both Num 35 and 36 move in the same conceptual realm as Lev 25. It is striking that jubilar themes run through the last chapters of both Leviticus (25–27) and Numbers (35–36). This may indicate the books were redacted to correspond to one another, with a focus on the redemption of the land.

2.3. *Explanation of Numbers 27 & 36*

In Num 27:1–11, the five daughters of Zelophehad approach Moses and the other leaders of Israel to state their case (vv. 1–2): their father Zelophehad has died without a male heir, although he had no part in the seditious rebellion of Korah (v. 3). Therefore, since their father

⁴⁶ Noth, *Numbers: A Commentary* (OTL; London: SCM Press, 1968), 256–57; Budd, *Numbers*, 390; Milgrom, *Numbers*, 512.

⁴⁷ Milgrom, *Numbers*, 511–12.

⁴⁸ Ulrich, "Framing," 534–36.

⁴⁹ These instances are enumerated by Milgrom, *Numbers*, 511–12; and Gray, *Numbers*, 477.

had committed no act worthy of the confiscation of his property or divine vengeance, they complain:

4 למה יִרְעַ שְׁמ־אֲבִינוּ מִחוּךְ מִשְׁפָּחָתוֹ כִּי אֵין לוֹ בֶּן תִּנְחַלְנוּ אֶחָדָה בְּחוּךְ אֲחִינוּ:
אֲבִינוּ:

⁴Why should the name of our father be cut off from the midst of his clan because he has no son? Give us a possession among our father's brothers.

There are two motivations for the daughters' request, one explicit and the other implicit. Their explicitly stated concern is for their father's "name." As is well known, the "name" means much more than the phonemes "Zelophehad": it refers to "alles, 'was einer Person leiblich (die eigene Existenz, die Familie), materiell (Vermögen, Besitz) und geistig (Ruhm, Ehre) zugehört.'" ⁵⁰ The continuation of the "name" is somehow intrinsically linked to one's descendants maintaining possession of the ancestral land. ⁵¹ The importance of perpetuating the "name" implies some concept of an individual afterlife, ⁵² even if it is no longer possible to reconstruct the exact contours of this concept from the biblical materials. ⁵³ The daughters imply that their father's present state of existence will be negatively affected if he were to lose his ancestral land-possession and have no further descendants.

The implicit motivation of the daughters' request is for themselves: they are unmarried and their father has died without providing them a dowry. Since their father's land will soon be assumed by one of his male relatives, they will be left destitute, i.e. dowry-less and therefore unmarriageable. However, if they are provided land as their

⁵⁰ Meinhold, "Beziehung" 245; citing Adam S. van der Woude, "Šēm," *THAT* 2:948.

⁵¹ See Noth, *Numbers*, 211; Sakenfeld, "Zelophehad's Daughters," 41.

⁵² Cf. Meinhold, "Beziehung," 245: "Das Funktionieren der Beziehung Gott, Volk, Land für einen Israeliten selbst noch nach seinem Tod von entscheidender Bedeutung sein kann."

⁵³ Van der Toorn, as noted above, believes there was an ancestor cult in ancient Israel in which the ancestors were quasi-deified. Herbert C. Brichito ("Kin, Cult, Land and Afterlife—A Biblical Complex," *HUCA* 44 [1973]: 1–54) argues that the ancestor was considered to continue to live in and through his descendants. Mitchell Dahood was convinced that full-blown notions of immortality and resurrection were present in ancient Israel (e.g. *Psalms*, Vol. III [AB; Garden City: Doubleday, 1970], xli). Tigay suggests there was a belief in a shadowy after-existence of an individual's spirit (*The JPS Torah Commentary: Deuteronomy* [Philadelphia: JPS, 1996], 482). Although it is difficult to adjudicate which of these suggestions is correct, it seems all four scholars are accurate in asserting that some sort of belief in the continuation of individual existence beyond death was prevalent in ancient Israel.

own inheritance, this will essentially serve as dowry, and make them attractive marriage prospects once again.⁵⁴

These two motivations are of course integrally related, for if the daughters remain unmarried because dowry-less, Zelophehad will have no further descendants at all—whether living on his land or not.

Thus, the daughters of Zelophehad are asking Moses to act in such a way as to provide in one stroke both land and descendants for the “name” of Zelophehad. Moses, however, does not immediately know what to do (v. 6), because the request runs counter to accepted patrilineal principles of land inheritance (Lev 25:48–49). Taking the request before the LORD, he receives the response that the daughters’ request is just and should be granted (vv. 6–7). This judgment of case-law then becomes the basis for a statute for all Israel that the daughter shall follow the son in the traditional order of the right to inheritance of land (vv. 8–11, cf. Lev 25:48–49).

Several scholars note that there is a relationship between Num 27:1–11 and the jubilee legislation of Lev 25.⁵⁵ Both are expressly concerned with the perdurance of the ancestral land among a man’s descendants. Num 27:1–11 addresses a possible means of land-alienation for which the jubilee has no remedy.

Num 36:1–12 is the sequel to the story of Num 27:1–11. Sometime after the events recorded in Num 27:1–11, the leaders of the Gilead clan of the sub-tribe of Machir of the tribe of Manasseh—that is, the clan to which Zelophehad belonged—bring a complaint to Moses and the chiefs of Israel (v. 1). They recount that the land has been

⁵⁴ On land inheritance as dowry, see Westbrook, *Property*, 163–64. For this reason, Fishbane is mistaken in his conclusion that Num 36:1–12 renders Num 27:1–11 a “legal fiction” (*Biblical Interpretation in Ancient Israel* [New York: Oxford University Press, 1985], 104–5). Fishbane reasons in this way: Num 27:1–11 grants Zelophehad’s land to his daughters rather than to his male relatives. However, Num 36:1–12 stipulates that the daughters must marry the same male relatives to whom the land would have gone anyway. Therefore, in the end, the same individuals (the male relatives) end up with the land, and Num 27:1–11 is rendered a “legal fiction.” This view is erroneous, however, because Fishbane has overlooked the fact that *because of Num 27:1–11, the male relatives must now marry the dead man’s daughters and therefore produce descendants for him in order to get the land*, whereas previously they inherited the land directly and the daughters were left destitute. Furthermore, the daughters could choose to marry individuals within the clan who were more distantly related, i.e. not those who would have stood to inherit the land immediately. Therefore, Num 27:1–11 was not rendered irrelevant by Num 36:1–11.

⁵⁵ Milgrom, *Numbers*, 230; Budd, *Numbers*, 300–302; Ashley, *Numbers*, 543–44, 546; Westbrook, *Property*, 61; Gray, *Numbers*, 397.

divided by lot and the daughters of Zelophehad have been assigned the portion due to their father (v. 2). They then continue:

3 והיו לאחד מבני שבטי בני־ישראל לנשים ונרעה נחלתן מנחלת אבותינו ונוסף על נחלת המטה אשר תהינה להם ומגרל נחלתנו ינרע: 4 ואם־יהיה היבל לבני ישראל ונוספה נחלתן על נחלת המטה אשר תהינה להם ומנחלת מטה אבותינו ינרע נחלתן:

³Now if they marry someone from one of the [other] tribes of the sons of Israel, their inheritance will be cut off from the inheritance of our fathers and added to the inheritance of the tribe into which they marry, thus cutting off our allotted inheritance. ⁴And even when the sons of Israel observe the jubilee, their inheritance will be added to the inheritance of the tribe into which they marry, and will be cut off from the inheritance of the tribe of our fathers.

The clan leaders of Gilead object that, since the Israelite principle was “a husband inherits his wife,”⁵⁶ whomever the daughters of Zelophehad married would receive their land. If they chose to marry outside their own tribe, their land would become the property of their husband’s tribe, and the property of their own tribe would be reduced.

It is fair to ask why this difficulty was not foreseen already in Num 27:1–11.⁵⁷ The answer is that marriage outside the clan was exceptional: under normal circumstances, the daughters of Zelophehad would marry inside the clan and their inheritance would remain clan property:

⁵⁶ Cf. Emanuel Rackman, “A Jewish Philosophy of Property: Rabbinic Insights on Intestate Succession,” *JQR* 67 (1976/1977): 73–76.

⁵⁷ Horst Seebass (“Zur Bedeutung,” 22–25) has found an ingenious method of interpreting Num 27:1–7 in such a way that it is completely incompatible with Num 36 and even with Num 27:8b–11a. Moreover, Num 36:6b, 8 is in conflict with the rest of Num 36:1–12, such that Num 27:1–11 and 36:1–12 convey, in all, four different (and irreconcilable) regulations about the inheritance rights of daughters. However, the foundation of Seebass’ interpretation is that Num 27:1–7 implies that any man who marries the daughter of Zelophehad gives up his own familial identity for hers, i.e. he becomes a son (only) of Zelophehad. This assertion is, however, not made in the text, and is counter-intuitive: Moses would then be acting to perpetuate the “name” of Zelophehad at the expense of cutting off the “names” of the five men who would marry the daughters, since the daughters’ husbands would lose their *own* ancestral inheritance and standing in their (patrilineal) clan, i.e. their names would be cut off from the midst of their clan. It seems more likely that in Num 27:1–11 it was tacitly assumed that the daughters would follow custom by marrying within the clan, and their sons would inherit Zelophehad’s ancestral land and perpetuate his name as well as those of their own biological fathers. Evidence for such a practice may be found in Ruth, where Obed is considered the heir of both Mahlon (Ruth 4:5, 10, 16–17) and Boaz (Ruth 4:21).

The *bêt 'āb* cannot subsist without the *mišpāhā*. Whereas the former is exogamous, the latter tends to be endogamous: most people married outside their immediate family, but inside their clan. Though both biblical and comparative evidence shows that intermarriage did occur between leading families of different clans, clan exogamy remained an exception. Custom encouraged a man to marry a woman from among the girls of his clan. One of the considerations in favour of endogamy was economic: the marriage money would thus remain within the clan, so would the paternal inheritance of orphaned women (Numbers 36:1–12).⁵⁸

However, while customary, clan endogamy was not mandatory. It is the possible exception that concerns the clan leaders of Gilead.

The leaders point out that even the jubilee will not rectify the disruption of tribe and clan property that would result from the exogamy of one of Zelophehad's daughters (v. 4). This verse has been criticized by some commentators as being "out of place," "irrelevant," or "secondary,"⁵⁹ since the jubilee does not concern inheritance through marriage or the redistribution of tribal lands. However, as other scholars have pointed out,⁶⁰ and as our translation suggests, the point of the clan leaders is that even the jubilee—which was intended to be the catch-all legislation to rectify land alienations—would not solve the hypothetical dilemma they propose. Since many scholars note the relationship between Lev 25 and the situation of the daughters of Zelophehad even in Num 27:1–11⁶¹—where the jubilee is not mentioned at all—the explicit mention of the jubilee in Num 36:4

⁵⁸ Van der Toorn, *Family Religion*, 200–201.

⁵⁹ Noth, *Numbers*, 257; Snaith, "The Daughters of Zelophehad," 126; and Eli Ginzberg, "Studies in Biblical Economics," *JQR* 22 (1932–33) 371–72. All regard v. 4 as late and out-of-place, but none explain why a late glossator would insert a verse which does not make sense. The fact that v. 4 can be excised without destroying the flow of the text means nothing: many sentences in the commentaries of Noth and Snaith can be excised without breaking the flow of their prose. Stephen A. Kaufman ("A Reconstruction of the Social Welfare Systems of Ancient Israel," in *In the Shelter of Elyon* [ed. W. B. Barrick & J. R. Spencer; JSOTSup 31; Sheffield: JSOT Press, 1984], 280 & 285 n. 10) considers v. 4 to be a reference to the most ancient form of the jubilee, in which land was redistributed among members of the tribe in the jubilee year. Such a model for the jubilee, however, is inherently unlikely (Wright, *God's People*, 66–70). Part of the impetus for the preservation of the land within the linear descent of an Israelite man would have been the maintenance of ancestral graves by the direct descendants of the deceased. Redistribution of the land would have scattered the ancestral graves among kin outside the line of descent.

⁶⁰ Ashley, *Numbers*, 659; Sakenfeld, "Zelophehad's Daughters," 45–46; Fishbane, *Biblical Interpretation*, 105; JPS Tanakh translation *ad loc.*

⁶¹ Milgrom, *Numbers*, 230; Budd, *Numbers*, 300–302; Ashley, *Numbers*, 543–44, 546.

may be taken as original to the text.⁶² Furthermore, Num 35 has lead up to Num 36 by dealing with issues (land apportionment, cities for the Levites, and responsibilities of the *go'el*) that are all in common with the jubilee, therefore the explicit mention of the institution in Num 36:4 is natural.

Moses responds to the elders of the clan of Gilead with a divine oracle declaring their case to be just (v. 5). Therefore he enjoins the daughters of Zelophehad to marry within their father's clan (v. 6), thus making the customary practice compulsory in their case. On the basis of this judgment, a statute is established for Israel: no tribal land should change hands from tribe to tribe (v. 7 & 9). If a daughter inherits land, she must marry into the clan of her father (v. 8). The pericope concludes with a notice that the five daughters of Zelophehad did as they were commanded and married the sons of their paternal uncles, thus keeping their land within the clan (vv. 10–12). There is evidence that such first-cousin marriages were preferred anyway.⁶³

2.4. Conclusion

The mention of the jubilee in these narratives explicitly concerned with tribal inheritance rights provides additional confirmation for the position argued in ch. 4 that the *Sitz-im-Leben* of the jubilee must be sought in Israel's tribal period. The unaffected reference to the jubilee in this text, which most scholars hold to come from a different tradition than Lev 25 (P vs. H), also indicates that the jubilee was not the invention of an isolated redactor or group of redactors, but a known tradition among more than one school of thought in Israel. If Fishbane and Milgrom are correct that the *Sitz-im-Leben* of these narratives lies in the pre-monarchic or even settlement period,⁶⁴ then

⁶² Ashley, *Numbers*, 659; Sakenfeld, "Zelophehad's Daughters," 45–46; cf. Gray, *Numbers*, 478.

⁶³ See André Lemaire, "Mariage et structure socio-économique dans l'ancien Israël," in *Production, pouvoir et parenté dans le monde méditerranéen de Sumer à nos jours* (ed. C. Breteau et al.; Paris: Geuthner, 1981), 133–48; Susan Rattray, "Marriage Rules, Kinship Terms and Family Structure in the Bible," *SBL Seminar Papers, 1987* (SBLSP 24; Atlanta: Scholars Press, 1987): 537–44; cited in Sakenfeld, "Zelophehad's Daughters," 44; cf. also Milgrom, *Numbers*, 512. The bans on consanguineous marriage in Lev 18 conspicuously leave open the possibility of marriage to the first cousin, such as we have in Num 36:11.

⁶⁴ Fishbane, *Biblical Interpretation*, 104 n. 48; Milgrom, *Numbers*, 511–12, cf. 224.

Num 36:4 may be evidence for the antiquity and reality of the institution of the jubilee.

On the basis of Lev 25 alone it was argued above that the function of the jubilee was to be a safety-net to rectify intractable cases of land alienation. The reference to the jubilee in Num 36:4 confirms this: the clan leaders stress the seriousness of their case to Moses by pointing out the inability of even the jubilee to set it right.

From the narratives of Zelophehad's daughters it becomes clearer that the jubilee was one part of a complex of legislation designed to ensure the perpetuation of the "name" of the individual Israelite on his land through his progeny. The notion of the perpetuation of the "name" points to some concept of individual afterlife in ancient Israel, although it is difficult to reconstruct its exact contours. The fact that the jubilee helped to ensure the quality of this afterlife by keeping progeny and land together indicates another aspect in which the jubilee may be considered "eschatological" in its intent.

3. *Deuteronomy 15*

We move now from the priestly texts to the entirely different world of the Deuteronomist, in order to tackle one of the more contentious issues surrounding the jubilee: the relationship between Deut 15 and the Lev 25. Although the focus of this study is concerned only with these two chapters, the following discussion will inevitably enter into broader questions concerning the relationship of the Holiness and Deuteronomic Codes.

3.1. *Sitz-im-Leben*

The modern discussion of the origin of Deuteronomy is generally thought to have begun with Wilhelm M. L. de Wette, who—borrowing an idea from Deist and Rationalist critiques of the Bible⁶⁵—argued that the book was written in the time of Josiah, possibly by its purported "finder," Hilkiah (2 Kgs 22).⁶⁶ Julius Wellhausen elaborated

⁶⁵ Maarten J. Paul, "Hilkiah and the Law (2 Kings 22) in the 17th and 18th Centuries," in *Das Deuteronomium* (ed. Norbert Lohfink; BETL 68; Leuven: Leuven University Press, 1985), 10–12.

⁶⁶ Wilhelm M. L. de Wette, *Dissertatio critico-exegetica qua Deuteronomium a prioribus penateuchi libris diversum, alius cuiusdam recentioris auctoris opus esse monstratur* (Jena: Literis Etzdorfii, 1805).

on this view, arguing that it was the central section of Deuteronomy (chs. 12–26) that was written in Josiah's day, and then provided with framing material (chs. 1–11, 27–34) in the exile.⁶⁷ Samuel R. Driver popularized a modified Wellhausenian position in English-speaking scholarship through his influential commentary.⁶⁸

Subsequent scholarship recognized that there were elements of Deuteronomy critical of the monarchy and of Judah; therefore, Albrecht Alt suggested the book originated in Samaria (the Northern Kingdom) before the time of Josiah.⁶⁹ Gerhard von Rad elaborated, proposing that Northern Levites brought an early form of Deuteronomy with them to Judah after the Assyrian conquest.⁷⁰

Martin Noth moved the discussion in a new direction by positing that a Josianic proto-Deuteronomy was revised and expanded by an exilic author who placed it at the front of his history of Israel, spanning the canonical books Deuteronomy through 2 Kings.⁷¹

Wellhausen's basic position, with modifications for the insights of von Rad and Noth, is probably still dominant to the present day, although with numerous variations and allowances for both the inclusion of older materials and the interpolation of later ones.⁷²

A minority of scholars has dissented from this position, and argued on the basis of structural similarities between Deuteronomy and fourteenth-century B.C.E. Hittite vassal treaties that Deuteronomy is essentially a product of the Mosaic age if not Moses himself.⁷³ In a more subtle fashion, J. Gordon McConville has pointed out that the evidence often used to associate Deuteronomy with a seventh-century

⁶⁷ Julius Wellhausen, *Prolegomena to the History of Ancient Israel* (3d ed.; Edinburgh: A. & C. Black, 1885), 279–80; and *Die Composition des Hexateuchs und der historischen Bücher des alten Testaments* (2d ed.; Berlin: Georg Reimer, 1889), 189–95.

⁶⁸ Samuel R. Driver, *A Critical and Exegetical Commentary on the Book of Deuteronomy* (3d ed.; ICC; Edinburgh: Clark, 1902), xliv–lxxvii.

⁶⁹ Albrecht Alt, “Die Heimat des Deuteronomiums,” in *Kleine Schriften zur Geschichte des Volkes Israel* (2 vols.; Munich: C. H. Beck'sche Verlagsbuchhandlung, 1953), 2:250–51.

⁷⁰ Gerhard von Rad, *Studies in Deuteronomy* (London: SCM Press, 1953), 40–41, 60–62.

⁷¹ Martin Noth, *The Deuteronomistic History* (JSOTSup 15; Sheffield: JSOT Press, 1981); trans. of *Überlieferungsgeschichtliche Studien* (2nd ed.; Tübingen: Niemayer, 1957), 1–110.

⁷² See e.g. Tigay, *Deuteronomy*, xix–xxvi; van der Toorn, *Family Religion*, 352–62.

⁷³ Meredith G. Kline, *The Treaty of the Great King* (Grand Rapids: Eerdmans, 1963); Peter C. Craigie, *The Book of Deuteronomy* (NICOT; Grand Rapids: Eerdmans, 1976); Kenneth A. Kitchen, *Ancient Orient and the Old Testament* (London: Tyndale Press, 1966), 90–102; more recently, *On the Historical Reliability of the Old Testament* (Grand Rapids: Eerdmans, 2003), 299–304.

date is actually quite weak, and the book could be from a much earlier period in Israel's history.⁷⁴

For the purposes of this study, it is not necessary to take a specific stance on the date and circumstances of Deuteronomy's origin. It will suffice to demonstrate that Deuteronomy presupposes a degree of urbanization and centralization of government not present in the Holiness Code and therefore points to a later period in Israel's history, in which there was a transition from a tribal-agrarian to an urban-monarchical society.⁷⁵ The evidence for this may be enumerated as follows:

1. There are ten pericopes whose specific *Sitz-im-Leben* pertains to cities.⁷⁶ By contrast, cities are mentioned in the Holiness Code only as an *exception* to the general jubilee legislation (Lev 25:29–34),⁷⁷ and as a place of retreat in the event of attack (Lev 26:25, 31, 33).
2. Deuteronomy makes allowances for a king (Deut 17:14–20), while the Holiness Code makes no mention of a king or any other government official.
3. “Enough of the population lives in walled cities that Deuteronomy can refer to the city gate as the place of the court.”⁷⁸
4. Deuteronomy superimposes a judicial system of appointed judges (שפטים ושטרים, Deut 16:18–19) on top of more traditional clan-based authorities (זקנים, Deut 21:2), thus limiting the power of those traditional authorities (Deut 19:17–18; 20:5, 9; 21:2).⁷⁹
5. Deuteronomy presupposes a central judiciary (Deut 17:8–13; cf. 2 Chron 19:5–11) absent from the Holiness Code.

⁷⁴ Gordon J. McConville, *Grace in the End: A Study in Deuteronomic Theology* (Grand Rapids: Zondervan, 1993), 45–64.

⁷⁵ So Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26* (VTSup 67; Leiden: Brill, 1996) 154–61; and David L. Baker, “The Jubilee and the Millennium,” *Them* 24 (1998): 46: “In Deuteronomy 15:1–18 the regulations for the sabbatical year are formulated again for a new context, that of a trading economy which is more urban in nature. . . . It would seem that Deuteronomy 15 is intended for a later time in the history of Israel, when the people are living in towns and the gap between rich and poor has begun to get wider.”

⁷⁶ Deut 6:10–19; 13:13–19; 19:1–13; 4:41–43; 20:10–20; 21:1–9; 21:18–21; 22:13–21; 22:23–27; 25:5–10. See Don C. Benjamin, *Deuteronomy and City Life* (Lanham, MD: University Press of America, 1983), 12 (*et passim*) for an examination of Deuteronomy's focus on urban society.

⁷⁷ See above, ch. 4, pp. 96–97.

⁷⁸ Tigay, *Deuteronomy*, xxii.

⁷⁹ Milgrom, *Leviticus 17–22: A New Translation and with Introduction and Commentary* (AB 3a; New York: Doubleday, 2000), 1356–57.

6. Deuteronomy intervenes to limit the power of the *paterfamilias* by state (albeit local) authority, whereas the *paterfamilias* has no limitations in the Holiness Code.⁸⁰
7. Civil-social ordinances are largely lacking in the Holiness Code, but abound in Deuteronomy.⁸¹ The Holiness Code would reflect a situation in which civil-social matters were under the authority of the *paterfamilias*, whereas Deuteronomy reflects growing state intervention and standardization of such affairs.⁸²
8. Deuteronomy regulates forced labor and siege warfare, which are both characteristic of monarchies but not tribal societies.⁸³
9. Whereas the curses of Lev 26 are local and agrarian, those of Deut 28 are national and at times urban.⁸⁴
10. Certain terms used in the Holiness Code which bespeak a tribal, patriarchal setting (אֹדֶה, נְאוּלָה, מוֹשֵׁב) are replaced in Deuteronomy with synonyms (פְּדִיּוֹן, קֶדֶל, שָׂאֵר) with a “socially urban” background.⁸⁵
11. The rules for the seventh year (Deut 15) no longer pertain to the land (Exod 23:10–11), but to debt, which is of greater concern to an urban society.⁸⁶ Land does not have the sacral, personal character in Deuteronomy that it has in the Holiness Code.⁸⁷
12. In contrast to the earlier view that the clan had responsibility for moral and religious matters (Lev 20:5, Josh 7:14), Deuteronomy stresses individual accountability (Deut 24:16) and the primacy of loyalty to the LORD over loyalty to the kin-group (Deut 13:6). Thus, “the Deuteronomic type of religiosity was geared to the needs of the nuclear family,”⁸⁸ which was more important than the extended family in an urban setting.⁸⁹

⁸⁰ Louis Stulman, “Encroachment in Deuteronomy: An Analysis of the Social World of the D Code,” *JBL* 109 (1990): 623–24, 629–30, 632; cf. Milgrom, *Leviticus* 17–22, 1357.

⁸¹ Weinfeld, *Deuteronomy 1–11: A New Translation with Introduction and Commentary* (AB 5; New York: Doubleday, 1991), 27, 29.

⁸² Cf. Milgrom, *Leviticus* 17–22, 1357: “The authority to punish . . . is vested with the patriarch. . . . The city as a juridical unit is nonexistent in H.”

⁸³ Tigay, *Deuteronomy*, xxii.

⁸⁴ See Weinfeld, *Deuteronomy 1–11*, 35.

⁸⁵ Weinfeld, *Deuteronomy 1–11*, 36.

⁸⁶ See H. Eberhard von Waldow, “Social Responsibility in Early Israel,” *CBQ* 32 (1970): 196.

⁸⁷ See above, ch. 4 §2.3.1; and Weinfeld, *Deuteronomy 1–11*, 27.

⁸⁸ Van der Toorn, *Family Religion*, 359.

⁸⁹ Van der Toorn, *Family Religion*, 196.

These data suggest that, in comparison with the Holiness Code, Deuteronomy reflects a period when Israelite law and theology “breaks free from its moorings in tribal, agricultural Israel”⁹⁰ and acquires a “fundamental orientation . . . toward the city.”⁹¹ Tigay asserts that “the civil laws of Deuteronomy go back to . . . the tenth and ninth centuries B.C.E., during the transition from the old tribal-agrarian society to a more urbanized, monarchic one.”⁹² This conclusion is congruent with the numerous studies that have argued for just such a transition during the early monarchy.⁹³ The move from agrarian to urban society also tracks well with Weinfeld’s thesis that Deuteronomy represents a “secularization” of Israel’s traditions.⁹⁴

Interestingly, even the canonical narrative suggests a more urban context for the *Sitz-im-Leben* of Deuteronomy, inasmuch as between the promulgation of the Holiness Code (Lev 17–27) and Deuteronomy, Israel conquered the kingdoms of Sihon, King of the Amorites, and Og, King of Bashan (Num 21:21–35), and “settled in all the cities of the Amorites” (Num 21:25, cf. Deut 3:4–10). This settlement in cities is explicitly recalled immediately prior to the promulgation of the Deuteronomic law by Moses (Deut 1:4; 2:24–3:29; cf. Num 22:1).

3.2. *Sitz-im-Buch*

Deut 15:1–18 is situated squarely in the legal corpus consisting of Deut 12–26, which classical critics considered *Urdeuteronomium*, the original law code promulgated (presumably) in the time of Josiah.

⁹⁰ McConville, *Grace*, 9.

⁹¹ Benjamin, *Deuteronomy*, 17; see again Joosten, *People and Land*, 154–61.

⁹² Tigay, *Deuteronomy*, xxii.

⁹³ See Eduard Neufeld, “Socio-economic Background of *Yōḥēl* and *Šmitta*,” *RSO* 33 (1958): 53–124; idem, “The Emergence of a Royal-Urban Society in Ancient Israel,” *HUCA* 31 (1960): 31–53; Meinhold, “Beziehung,” 246–48; H. E. von Waldow, “Social Responsibility and Social Structure in Early Israel,” *CBQ* 32 (1970): 182–204; Hans Wildberger, “Israel und sein Land,” *EvTh* 16 (1956): 404–22, esp. 413–15; Israel Finkelstein, “The Emergence of the Monarchy in Israel: The Environmental and Socio-Economic Aspects,” *JSTOT* 44 (1989): 43–47; Wright, *God’s People*, 258; van der Toorn, *Family Religion*, esp. 266–338 and 352–62.

⁹⁴ Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Oxford University Press, 1972), 190–243. Van der Toorn, *Family Religion*, 358; and Tigay, *Deuteronomy*, xvii, seem to endorse Weinfeld’s view.

As Jeffries Hamilton points out,⁹⁵ scholarly opinions concerning the order of laws in Deuteronomy span a spectrum from those positing no order⁹⁶ to those asserting careful theological arrangement,⁹⁷ with several mediating positions.⁹⁸

If the advocates of “no order” are correct, there is little of significance to say about the *Sitz-im-Buch* of Deut 15:1–18. More intriguing, however, are the suggestions of Georg Braulik and Stephen A. Kaufman that the laws of Deuteronomy are structured on the ten words of the Decalogue. Deut 15:1–18 appears in a section of laws (Deut 14:23–16:17) that correspond to the command to observe the Sabbath (the third commandment by this counting system) and occupy a central place conceptually if not textually in the structure of Deuteronomy.⁹⁹ The laws of Deut 15:1–18 relate to the Sabbath commandment not only through the common heptadic rhythm of observance (although in years not days), but also through a common social concern expressed in the provision for rest. The Sabbath command of Deut 5:12–15 specifies that even slaves—the lowest social stratum—must rest on the Sabbath. Through the provisions of the “year of release” in Deut 15:1–11, debtors rest from their toil to pay off debt; and Deut 15:12–18 allows slaves to rest from their toil for their masters.

Deut 15:1–18 follows logically on Deut 14:22–29 (laws on tithes) since both passages are concerned with practices for alleviating the hardship of the poor. The connection with Deut 15:19–23 (the law of the firstling) lies in this: both the manumitted Hebrew slave (Deut 15:12–18) and all firstlings (Deut 15:19) are freed from work. Likewise, the Passover regulations (Deut 16:1–8) celebrate the great “freeing” of the Israelites from their Egyptian labor.

⁹⁵ Jeffries M. Hamilton, *Social Justice and Deuteronomy: The Case of Deuteronomy 15* (SBLDiss 136; Atlanta: Scholars Press, 1992), 103–7.

⁹⁶ E.g. Andrew D. H. Mayes, *Deuteronomy* (NCB; Grand Rapids: Eerdmans, 1981). A number of major commentators pay little attention to the structure of the book, e.g., Gerhard von Rad, *Deuteronomy: A Commentary* (OTL; London: SCM Press, 1966); Samuel R. Driver, *Deuteronomy* (ICC; Edinburgh: T&T Clark, 1901); Craigie, *Deuteronomy*; Weinfeld, *Deuteronomy 1–11*.

⁹⁷ E.g. Stephen A. Kaufman, “The Structure of Deuteronomical Law,” *Maarav* 1 (1978–79): 105–58; Georg Braulik, “Die Abfolge der Gesetze in Dtn 12–26,” in *Das Deuteronomium. Entstehung, Gestalt und Botschaft* (BETL 68; ed. Norbert Lohfink; Leuven: Leuven University Press, 1985).

⁹⁸ E.g. Norbert Lohfink, “Distribution of the Functions of Power,” in *Great Themes from the Old Testament* (Edinburgh: Clark, 1982), 55–75; Samuel D. McBride, Jr., “Polity of the Covenant People: The Book of Deuteronomy,” *Int* 41 (1987): 229–44; Tigay, *Deuteronomy*, 446–58.

⁹⁹ See Hamilton, *Social Justice*, 111.

Thus it can be seen that there is some logic to the placement of Deut 15:1–18 in its immediate textual environment and within the book of Deuteronomy as a whole.

3.3. *Explanation of Deut 15*

Deut 15:1–18 contains two laws which are based on a seven-year cycle. The first of these concerns the remission (שְׁמִטָּה) of debts. This remission is to occur every seventh year¹⁰⁰ and is universally synchronous,¹⁰¹ i.e. it takes place in the same year for everyone, regardless of when the loan was contracted (v. 1). In this seventh year, every creditor is to forgive any outstanding loans due from a fellow citizen (v. 2).¹⁰² Loans given to foreigners are not forgiven (v. 3). This may have been because most foreigners were involved in trade, and contracted loans for business ventures rather than subsistence.¹⁰³

Although this law does not mention the seventh-year fallow of the land (Exod 23:10–11, Lev 25:2–7) it does use the same verbal root for “debt release” as Exod 23:10 uses for “lie fallow”: שְׁמִטָּה. The

¹⁰⁰ The Hebrew phrase מֶקֶץ שְׁבַע־שָׁנִים should be interpreted “at the end of a seven-year period,” i.e. after six years. See Driver, *Deuteronomy*, 174; but also Wright, *God’s People*, 167.

¹⁰¹ There are two indications in the text of the universal synchronicity of the *shemittah* year. First, v. 2 speaks of the the “release of the LORD” being “proclaimed” (קָרָא שְׁמִטָּה לַיהוָה), which seems to imply that there was a public act of proclamation of the *shemittah* year analogous to Lev 25:9–10 and ancient Near Eastern practice regarding the *misharum* and *andurarum* institutions. Secondly, the logic of v. 9 implies that the *shemittah* year occurred at regularly intervals, and not based on the inception of the loan.

¹⁰² The phrase שְׁמוֹט כָּל־בֶּעַל מִשָּׁה יָדוֹ אֲשֶׁר יֵשֶׁה בְּרַעְיוֹ is difficult to translate and interpret (see discussion in Robert G. North, “Yād in the Shemitta-Law,” *VT* 4 [1954]: 196–99; and Chirichigno, *Debt-Slavery*, 263–75). North (followed by Christopher J. H. Wright, *Deuteronomy* (NIBC 4; Peabody, Mass.: Hendrickson, 1996), 188) believes it refers to a release of pledges taken for loans. Driver (followed by Craigie, *Deuteronomy*, 236) reads it as a temporary suspension of debt repayment (*Deuteronomy*, 174, 178–80). Von Rad (*Deuteronomy*, 106) and Tigay (*Deuteronomy*, 145) understand it as a remission of whatever was stilled owed on loans. Based on the logic of v. 9 (which seems to imply a fear of a loss of the value of the loan rather than a deferment of its repayment) and the analogous ancient Near Eastern *misharum* and *andurarum* acts (which involved the “breaking of tablets,” i.e. complete cancellation of debts; see Chirichigno, *Debt-Slavery*, 274; Weinfeld, “‘Justice and Righteousness,’ in Ancient Israel Against the Background of ‘Social Reforms’ in the Ancient Near East,” in *Mesopotamien und seine Nachbarn: Politische und kulturelle Wechselbeziehungen im Alten Vorderasien vom 4. bis 1. Jahrtausend v. Chr. Teil 1 & 2* [BBVO 1; ed. H. J. Nissen and J. Renger; Berlin: Dietrich Reimer Verlag, 1982], 491–519, esp. 497–99), it seems more probable that the שְׁמִטָּה involved the complete remission of outstanding loans.

¹⁰³ See discussion in Tigay, *Deuteronomy*, 146; and Weinfeld, *Social Justice*, 167.

shemittah year and the fallow year may be related in this way: since farmers could not work their land in the seventh year, they could not make payments on loans, thus requiring some relief.¹⁰⁴ However, all that would be required would be a forbearance of repayment in the seventh year. This, indeed, is what some commentators take the *shemittah* to be: a temporary forbearance rather than a debt-cancellation.¹⁰⁵ However, it seems more likely that the *shemittah* involved a complete cancellation of the debt.¹⁰⁶ Therefore, the *shemittah* year goes beyond merely what would be required to facilitate the operation of the sabbatical fallow year. It applies the Sabbath principle of rest—applied in Exod 23:10–11 and Lev 25:2–7 to land—also to monetary debt.¹⁰⁷

Although the *shemittah* provisions do not necessarily abrogate the sabbatical fallow and could complement it,¹⁰⁸ the fact that the Deuteronomic author fails to mention land but concentrates on monetary debt is one of the indications of a shift from rural to urban provenance in this law code.¹⁰⁹

Verses 4–6 contain promises to the effect that if the Israelites faithfully observe the laws the LORD gives them (v. 5), they will not experience poverty individually (v. 4) or as a nation (v. 6), but rather will economically dominate many other nations (v. 6). The promises of v. 6 are important clues for the *Sitz-im-Leben* of the text:

בִּיְיָהוָה אֱלֹהֶיךָ בָּרַכְךָ כְּאֲשֶׁר דִּבַּרְתָּךְ וְהִעֲבַשְׁתָּ נָוִים רַבִּים וְאַתָּה לֹא תִעֲבַשׁ וּמִשְׁלָתָ
בְּנוֹוִים רַבִּים וְכִךְ לֹא יִמְשְׁלוּ:

⁶For the LORD your God will bless you as he told you, and you shall lend to many peoples but not borrow, dominate many peoples but not be dominated.

¹⁰⁴ See von Rad, *Deuteronomy*, 105–6; Wright, *Deuteronomy*, 187–88; Tigay, *Deuteronomy*, 145; Weinfeld, *Deuteronomy 1–11*, 223–24.

¹⁰⁵ Driver, *Deuteronomy*, 174, 179–80; Craigie, *Deuteronomy*, 236; Wright, *God's People*, 148; Wright, *Deuteronomy*, 188.

¹⁰⁶ See Chirichigno, *Debt-Slavery*, 272–75; von Rad, *Deuteronomy*, 106 (“The logic of v. 9 probably favours a complete discharge of the debt”); Neufeld, “Socio-Economic Background,” 59–60; Mayes, *Deuteronomy*, 247; Thompson, *Deuteronomy*, 187; Innocenzo Cardellini, *Die biblischen “Sklaven”-Gesetze im Lichte des keilschriftlichen Sklavenrechts* (BBB 55; Bonn: Peter Hanstein, 1981), 270.

¹⁰⁷ See Driver, *Deuteronomy*, 176–78; von Rad, *Deuteronomy*, 106; Tigay, *Deuteronomy*, 145; Wright, *Deuteronomy*, 187–88; idem, *God's People*, 147–48.

¹⁰⁸ Tigay, *Deuteronomy*, 145, 466; Wright, *God's People*, 147; Chirichigno, *Debt-Slavery*, 263.

¹⁰⁹ See von Rad, *Deuteronomy*, 106; cf. also Wright, *God's People*, 167–69.

As Craigie comments,

The sense of the words is that Israel would become a major mercantile state, wealthy enough to lend to other nations and therefore ruling over them in a sense, but not needing to borrow from them and therefore not being subject to them.¹¹⁰

Such a notion of a “mercantile state” presupposes the growth of a commercial, urban, national economy beyond anything envisaged in the Holiness Code.

In contrast to the idealistic vv. 4–6, which promise the eradication of poverty in Israel contingent upon observation of the law, the realistic vv. 7–10 acknowledge the perdurance of poverty in Israel and contain exhortations to charitable treatment of the poor. The contrast between the two passages is sharp (cf. v. 4 with v. 11), but is in keeping with the paradoxical relationship between idealism and realism found throughout Deuteronomy.¹¹¹

In a spirit reminiscent of Lev 25:35–38, Deut 15:7–11 exhorts the Israelites to lend freely to any needy “kinsmen” in their territory (vv. 7–8), regardless of the proximity of the *shemittah* year and the loss of the value of the loan (v. 9). Failure to do so will be punished by God (v. 9); likewise faithfulness in this duty will merit divine blessing (v. 10). Nevertheless, no enforceable civil sanctions are attached to failures of generosity.

Verses 12–18, although closely linked thematically and textually with the *shemittah* law of vv. 1–11, constitute a completely different law concerning the manumission of Hebrew slaves after six years of labor.¹¹² Failure to note the distinction has led some to the erroneous conclusion that vv. 12–18 mandate a universal simultaneous release of slaves every seven years.¹¹³ In fact, just as in Exod 21:2–7, the period of each slave’s service is counted from the time of his purchase (cf. Deut 15:12, 18).

¹¹⁰ Craigie, *Deuteronomy*, 237.

¹¹¹ Cf. e.g. Deut 30:11–14 with Deut 31:29. On the rhetorical technique of Deuteronomy, see Weinfeld, *Deuteronomy 1–11*, 171–78. The use of paradoxes like that of Deut 15:4, 11 may be considered a subset of the author’s use of exaggeration (idem, 172).

¹¹² So e.g. Chirichigno, *Debt-Slavery*, 272.

¹¹³ Examples of this confusion are Anthony Phillips, *Ancient Israel’s Criminal Law: A New Approach to the Decalogue* (New York: Schocken, 1970), 77–78; and Niels P. Lemche, “The Manumission of Slaves—The Fallow Year—The Sabbatical Year—The Jubel Year,” *VT* 26 (1976): 38–59, esp. 45.

The structure and language of Deut 15:12–18 and Exod 21:2–6 are quite similar, leading to the reasonable conclusion that Deut 15:12–18 is reworking the older law from the Covenant Code.¹¹⁴ If this is the case, it is important to note that the Deuteronomic author not only adds exhortations to the law (vv. 13–15 & 18), but also omits material (Exod 21:3–4; 7–11).

The law states that a Hebrew slave or handmaid shall serve for six years and be released in the seventh (v. 12). “Hebrew” here may refer to members of a landless lower social caste conceptualized (among Israelites) as an ethnic group.¹¹⁵ In possible contrast to the

¹¹⁴ On this, see most recently Bernard Levinson, “The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory,” in *Congress Volume Leiden 2004* (ed. André Lemaire; VTSup 109; Leiden: Brill, 2006), 281–324. Levinson argues that Deut 15:12–18 reworks Exod 21:2–11, a thesis few would challenge. However, in our opinion, Levinson ought not to assume without argument that “Hebrew” in both these laws is simply equivalent to “Israelite.” The terms are not simply synonymous as used in the Hebrew Bible. Moreover, Levinson does not seem to recognize that the *ḥabiru* described in Exod 21:7–11 is not simply a female slave but a wife or concubine, and that as such, being sent out is a negative rather than positive thing for her, unlike the situation for a male slave. Furthermore, the *ḥabiru* in Exod 21:7–11 is *not* described as a *עִבְרִיָּה*, a “Hebrewess,” as in Deut 15:12. She is the daughter of an Israelite: the law begins not, “When you buy a Hebrewess” (parallel to Exod 21:2) but “When a man sells his daughter.” Levinson seems to ignore this.

¹¹⁵ Important contributions on the meaning of “Hebrew” include: Moshe Greenberg, *The Ḥab/piru* (New Haven: American Oriental Society, 1955); Manfred Weippert, *The Settlement of the Israelite Tribes in Palestine* (SBT 2nd Ser. 21; London: SCM Press, 1971), 63–102; Oswald Loretz, *Habiru-Hebräer. Eine sozio-linguistische Studie über die Herkunft des Gentiliziums ‘ibiri vom Appellativum ḥabiru* (BZAW 160; Berlin: de Gruyter, 1984); Lemche, “The Hebrew and the Seven Year Cycle,” *BN* 25 (1984): 65–75 (a critique of Loretz); and Nadav Na’aman, “Ḥabiru and Hebrews: The Transfer of a Social Term to the Literary Sphere,” *JNES* 45 (1986): 271–88. Additional literature is cited by Chirichigno, *Debt-Slavery*, 200–206.

Christopher Wright (*God’s People*, 253–59) argues that *העִבְרִי* in Deut 15:12 has a socio-economic signification, denoting a caste of landless people who often sought to support themselves as servants/slaves (cf. Friedrich Horst and Hans W. Wolff, *Gottes Recht: Gesammelte Studien zum Recht im Alten Testament* [TB 12; Munich: Chr. Kaiser Verlag, 1961], 97; Rosario P. Merendino, *Das deuteronomische Gesetz: Eine literarkritische gattungs- und überlieferungsgeschichtliche Untersuchung zu Dt 12–16* [BBB 31; Bonn: Peter Hanstein, 1969], 113, 124; Alfred Cholewinski, *Heiligkeitgesetz und Deuteronomium: Eine vergleichende Studie* [AnBib 66; Rome, Pontifical Biblical Institute, 1976], 232 n. 53, 235; John A. Thompson, *Deuteronomy: An Introduction and Commentary* [TOTC; Leicester: Inter-Varsity Press, 1974], 190; Henry L. Ellison, “The Hebrew Slave: A Study in Early Israelite Society,” *EvQ* 45 [1955]: 30–35; Ingrid Riesener, *Der Stamm עִבְרִי im Alten Testament: Eine Wortuntersuchung unter Berücksichtigung neuer sprachwissenschaftlicher Methoden* [BZAW 149; Berlin: de Gruyter, 1979], 125; Kaufman, “Reconstruction,” 282). Wright notes that if *העִבְרִי* meant simply “an Israelite,” the phrase *אֶדְיֵךְ הַעִבְרִי* would be tautologous. Wright’s position has been disputed

sharp leave-with-what-you-brought position of Exod 21:3–4, the slave's former master is instructed to provide him liberally with foodstuffs and other provisions, doubtless to prevent the freedman's immediate reversion to poverty and subsequent slavery.¹¹⁶ Motivation for such generosity derives from the memory of the Israelite slavery in Egypt (v. 15). If the slave does not wish to leave after six years because he has affection for his master and is satisfied with his life in the household (v. 16),¹¹⁷ the master must take him to the doorpost of the home

(Milgrom, *Leviticus 23–27*, 2252–53; Chirichigno, *Debt Slavery*, 275–82; Tigay, *Deuteronomy*, 148), but the counter-arguments are not convincing. Chirichigno's strongest arguments against Wright are (1) disputing the relationship between the biblical עֲבָרִים and the 'apiru on the basis of differences between the Nuzian laws for the 'apiru and biblical laws for the עֲבָרִים (cf. Tigay, *Deuteronomy*, 148) and (2) the assertion that עֲבָרִי must mean Israelite because it is modified by אֲדֹמִי. In response to this, (1) the evidence of Nuzi only demonstrates that the 'apiru were treated differently at Nuzi than they were in Israel, not that the 'apiru and עֲבָרִים are unrelated, and (2) since in Deut 23:8 אֲדֹמִי applies to an Edomite, the fact that it describes a "Hebrew" in Deut 15:2 certainly does not prove that עֲבָרִי means Israelite, nor that the עֲבָרִי was an Israelite. It also contradicts Milgrom's contention that "one must keep in mind D's persistent use of 'ah for an Israelite" (*Leviticus 23–27*, 2252). Milgrom also contends that (1) the title עֲבָרִי could not have still denoted a socio-economic class as late as the seventh century, when Deuteronomy was written (cf. Tigay's undefended assertion that עֲבָרִי "clearly" means "Israelite," [*Deuteronomy*, 148]), and (2) if the עֲבָרִים had constituted a distinct social class in Israel, they would have been mentioned in H. In response to this, (1) despite two hundred years of tradition which asserts it, it is not actually known that D was written in the seventh century, as Pekka Pitkänen's provocative monograph has recently demonstrated (*Central Sanctuary and the Centralization of Worship in Ancient Israel: From the Settlement to the Building of Solomon's Temple* [Gorgias Dissertations 6/Near Eastern Studies 4; Piscataway, NJ: Gorgias Press, 2004]; see also McConville, *Grace*, 45–64; Duane L. Christensen, *Deuteronomy 1–11* [WBC 6a; Dallas: Word Books, 1991], lx–lxii; Paul, "Hilkiah and the Law"; and John H. Hayes and Paul K. Hooker, *A New Chronology for the Kings of Israel and Judah and Its Implications for Biblical History and Literature* [Atlanta: John Knox, 1988], 86–88, 99–100) and regardless, the law of Deut 15:12–18 may be far older than the final code (Tigay, *Deuteronomy*, xxi–xxii), and (2) H's silence on the עֲבָרִים may indicate nothing more than H's lack of concern for them, or a difference between D and H vocabulary (cf. Milgrom, *Leviticus 23–27*, 2254: "Arguments from silence are specious"). Thus, none of the critiques of Wright's proposal succeeds, and the proposal itself remains plausible.

¹¹⁶ The Deuteronomic author may also be drawing on the memory of the Israelites' despoiling of the Egyptians (Exod 3:21–22, 12:35–36) and Jacob's mistreatment at the hands of Laban (Gen 29–31). The possible literary ties with the Jacob-Laban incident (Jacob works two seven-year periods, complains of being sent away "empty") are especially intriguing (see Chirichigno, *Debt-Slavery*, 287–94).

¹¹⁷ The phrase in v. 16b—לֹא אֶצֵּא מֵעִמְךָ כִּי אֲהַבְךָ וְאֲהַבְתֶּךָ כִּי טוֹב לִי עִמָּךְ—"I will not leave you because I love you and your house and things have been good for me under you," seems a Deuteronomic rephrasing of Exod 21:5—אֲהַבְתִּי אֶת־אֲדֹמִי—"I love my master and my wife and children and will not go free."

(v. 17a) and drive an awl through his ear, i.e. probably his ear lobe (v. 17b). He then becomes a slave in perpetuity (v. 17c). The same regulations govern the female slave who (probably) was not a wife or concubine (v. 17d).¹¹⁸ A concluding exhortation warns Israelite masters not to be reluctant in manumitting their slaves after six years, reminding them that (1) they received the equivalent labor per expense from the slave as they would have from a hired man,¹¹⁹ and (2) the LORD's blessing will attend them when they faithfully fulfill this command (v. 18).

3.4. *The Relationship of Deut 15 to Lev 25*

The question of the relationship between Deut 15 and Lev 25 has received a wide variety of answers.¹²⁰ Traditionally, Deut 15 has been

¹¹⁸ Cf. Exod 21:7–11. Many commentators recognize that inclusion of the female slave in Deut 15:17 is not a contradiction of Exod 21:7–11, which regulates a special kind of “slave” sale: that of daughters as brides. Deut 15:12–18 would regulate the more usual circumstance of a female slave who was not a wife or concubine. See Tigay, *Deuteronomy*, 148; Mendelsohn, *Slavery in the Ancient Near East*, 5–14, 87–89; Shalom M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (Leiden: Brill, 1970), 52–53; Chirichigno, *Debt-Slavery*, 244–55, 300–301.

¹¹⁹ The meaning of the term מִשְׁכָּר in v. 8 has been debated. Matitahu Tsevat (“Alalakhiana,” *HUCA* 29 (1958): 125–26) first argued that מִשְׁכָּר in this passage means “equivalent” rather than “twice.” Tsevat has been seriously challenged (James M. Lindenberger, “How Much for a Hebrew Slave? The Meaning of Mišneh in Deut 15:18,” *JBL* 110 [1991]: 479–82) but he maintains his position: Tsevat, “The Hebrew Slave According to Deuteronomy 15:12–18: His Lot and the Value of his Work, with Special Attention to the Meaning of מִשְׁכָּר,” *JBL* 113 (1994): 587–95. The interpretation above follows Tsevat.

¹²⁰ Some of the more important contributions to the topic include (in chronological order): Wellhausen, *Prolegomena*, 116–20; Eli Ginzberg, “Studies in the Economics of the Bible,” *JQR* 22 (1931–32): 243–408; Alfred Cholewinski, *Heiligkeitgesetz und Deuteronomium: Eine vergleichende Studie* (AnBib 66; Rome: Pontifical Biblical Institute, 1976), 217–51; Lemche, “Manumission”; Wright, “What Happened Every Seven Years in Israel?” *EvQ* 56 (1984): 129–38, 193–201; Kaufman, “Reconstruction”; Giuseppe Bettenzoli, “Deuteronomium und Heiligkeitgesetz,” *VT* 34 (1984): 385–98; Kaufman, “Deuteronomy 15 and Recent Research on the Dating of P,” in *Das Deuteronomium* (BETL 106; ed. Norbert Lohfink; Leiden: Leiden University Press, 1985), 273–76; Robert Gnuse, “Jubilee Legislation in Leviticus: Israel’s Vision of Social Reform,” *BTB* 15 (1985): 43–48; Cardellini, “*Sklaven*”-Gesetze, 335–76; Sara Japhet, “The Relationship between the Legal Corpora in the Pentateuch in Light of Manumission Laws,” *ScrHier* 31 (1986): 63–89; Wright, *God’s People*, 147–51, 167–73; Raymond Westbrook, *Property and the Family in Biblical Law* (JSOTSS 113; Sheffield: JSOT Press, 1991), 36–57; Gnana Robinson, “Das Jobel-Jahr,” in “*Ernten, was man sät*”: *Festschrift für Klaus Koch zu seinem 65. Geburtstag* (ed. Dwight R. Daniels et al.; Neukirchen-Vluyn: Neukirchener Verlag, 1991), 471–94; Chirichigno, *Debt-Slavery*, esp. 354–57; John Van Seters, “The Law of the Hebrew Slave,” *ZAW* 108 (1996): 534–46; Tigay, *Deuteronomy*, 466–69; Adrian Schenker, “The Biblical Legislation on

regarded as the predecessor of Lev 25. The exilic or post-exilic author of the Holiness Code is supposed to have reworked the provisions of Deut 15 with other old traditions in order to form a new law suitable for the conditions of the return from exile.¹²¹

For several reasons, the view of the relationship of Deut 15 and Lev 25 adopted here departs from this tradition. Instead, it is argued that Deut 15 post-dates Lev 25.

The first point to be made in support of this position is that there is no convincing evidence of a literary-textual relationship between Lev 25 and Deut 15.¹²² Unlike the state of affairs with Ex 21:2–6 and Deut 15:12–18, where there is similarity of structure and terminology, Lev 25 and Deut 15:1–18 share no important terms. Lev 25 refers to “release” as דָּרוֹר, whereas Deut 15 uses the term שְׁמִטָּה. In Lev 25, servants “go out” (צָא), in Deut 15 they are “sent out” (הִשְׁלַח). The concept and word “return” (שׁוּב) function prominently in Lev 25, but not in Deut 15: unlike the landed Israelite, the Hebrew slave has nothing to which to return, thus it is necessary to provision him (Deut 15:13–15). Deut 15 never speaks of the “land” (אֶרֶץ), the “redeemer” (נֹאֵל), the “clan” (בִּישְׁפָּחָה), or any of the other terms/concepts which figure so prominently in Lev 25. On the other hand, Lev 25 does not use the term “Hebrew” (עִבְרִי), “free” (חֶפְשִׁי), “poor” (אֲבִיּוֹן), “release” (שְׁמִטָּה), “creditor” (בַּעַל מִשָּׁה), or any of the other peculiar terminology of Deut 15. Attempts to argue for priority of one or the other text based on the use of such common terms as אָח¹²³ or עַמֶּךָ¹²⁴ are not convincing. Such terms are so widely used in the

the Release of Slaves: The Road from Exodus to Leviticus,” *JOT* 78 (1998): 23–41; Milgrom, *Leviticus* 23–27, 2251–57.

¹²¹ For a critique of the view that Lev 25 reworks Deut 15, see Japhet, “Relationship”; Milgrom, *Leviticus* 23–27, 2251–57; Wright, *God’s People*, 167–73. The strongest evidence against this view is the fact that Lev 25 “omits” the debt remission of Deut 15:1–11, which even proponents of the order D→H admit is difficult to explain (Gnuse, “Jubilee Legislation,” 45) on the assumption that D is earlier.

¹²² Were there actually convincing evidence of literary dependence, scholars of the caliber of Samuel Driver (*Deuteronomy*, 185), Yehezkel Kaufmann (*History of Israelite Religion*, vol. 1 [Tel-Aviv: Devir, 1955 (Hebrew)], 60, 64), Robert North (*Sociology of the Biblical Jubilee* [AnBib 4; Rome: Pontifical Biblical Institute, 1954], 32), and Isaac Mendlesohn (*Slavery in the Ancient Near East*, 18–19, 85, 89) would not be able to maintain that there is no connection between Lev 25 and Deut 15.

¹²³ E.g. Japhet, “Relationship,” 74–82; see response by Kaufman, “Deuteronomy 15,” 274–75; and Milgrom, *Leviticus* 23–27, 2255–56.

¹²⁴ E.g. Milgrom, *Leviticus* 23–27, 2256. Milgrom’s assertion that “D was cognizant of the very language of H” may well be true, but it cannot be demonstrated in the case of Deut 15.

language that one cannot argue that one text necessarily had to borrow them from the other. The intensive textual studies which argue for dependence of one text on the other do not in fact prove an order of dependence, but assume one, and proceed to explain the textual data in light of that assumption.¹²⁵

In the absence of concrete textual evidence for borrowing in one or the other direction between Lev 25 and Deut 15, the question of their relative dating can be approached only from the perspective of the historical development of ancient Israel. The evidence for the pre-monarchic, tribal origins of the jubilee and perhaps the rest of the Holiness Code was provided in ch. 4. By contrast, the present chapter has presented evidence that Deuteronomy in general and particularly Deut 15:1–18 presuppose a society that is more urban, nationalized, and economically developed than that of the Holiness Code. Accordingly, Deut 15 may belong to a later period in Israel's history.

Excursus: Bernard Levinson on the Manumission Laws

Recently, Bernard Levinson has published a major essay arguing, among other theses, that (1) Deut 15:12–18 exegetically reworks Exod 21:2–11 and (2) that Lev 25:10–55 reworks both Exod 21:2–11 and Deut 15:12–18.¹²⁶ Since the present study presumes the priority of the Covenant Code (Exod 21:2–11) to both Lev 25 and Deut 15, there is no difficulty in principle with Levinson's contention that Deut 15 and Lev 25 rework Exod 21.¹²⁷ However, Levinson's sustained argument that Lev 25 represents a reception and reworking of Deut 15 is a major challenge to the understanding of the jubilee legislation here, and his arguments deserve to be addressed at some length.

¹²⁵ E.g. Cardellini, "Sklaven"-Gesetz, esp. 342, 350. Cardellini does not demonstrate that Lev 25 and Deut 15 are any more alike in diction than any two randomly-chosen ancient Near Eastern laws related to slavery could be expected to be. In fairness, neither does Japhet, "Relationship," although her relative dating of the pentateuchal sources is congruent with the perspective of the present study.

¹²⁶ Bernard M. Levinson, "The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory," in *Congress Volume Leiden 2004* [ed. André Lemaire; VTSup 109; Leiden: Brill, 2006], 281–324. I would like to take this opportunity to thank Dr. Levinson for providing me an advance copy of his article, and for his kind and gracious correspondence with me concerning the issues presented. I provided him with an early draft of this excursus and have tried to incorporate his suggestions for improvement. I look forward to his future published responses to my own positions, as I am sure our discussion will continue.

¹²⁷ See also Levinson, "The Birth of the Lemma: The Restrictive Reinterpretation of the Covenant Code's Manumission Law by the Holiness Code (Leviticus 24:44–46)," *JBL* 124 (2005): 617–39.

First, it is important to stress the several points of commonality between Levinson's position and that presented here. We are agreed that both the Deuteronomist (D) and the author of the Holiness Code (H) rework the Covenant Code (C);¹²⁸ that John Van Seters position regarding the posteriority of C is untenable, and that Jacob Milgrom and Sara Japhet's textual arguments for the dependence of Deut 15 on Lev 25 are unconvincing.¹²⁹

Nonetheless, this study has been sympathetic to Milgrom and Japhet's relative dating of the legal corpora (H prior to D), but on non-textual grounds. The approach adopted here has been to investigate what sort of society is presumed by the different law codes, and then plot the result on the continuum of the historical development of Israelite society. When this was done, we concluded with Joosten, Weinfeld, and others that H presumes an older, rural-agrarian society; and D a younger, urban-commercial one.

Levinson's approach to the relative dating of D and H is quite different. He undertakes to establish the relative dating of H and D almost solely on the basis of literary and textual data, that is, on the evidence of textual borrowing or reworking in the different codes.

On this basis, Levinson mounts two major arguments for the reuse of Deut 15 in Lev 15. First, he argues that the use of the *niphal* of מִכַּר in Lev 25:42b is an indication of borrowing from Deut 15:12:

The second vetitive phrase whereby H denies that possibility that Israelites could be enslaved *could come only from D*: לֹא יִמְכְּרוּ מִמֶּכְרָהּ: עֶבֶד, "They may not *sell themselves* as a slave as sold" (Lev 25:42b). The *only possible precursor* for this formulation, with the *nip'al* of מִכַּר, is the protasis of D's manumission law: כִּי יִמְכַּר לְךָ אֲדָמִי. The author of Leviticus 25 marshalls Deuteronomy's own terminology against it, in a brilliant campaign to reject the very social institution to which that terminology originally referred.¹³⁰

It needs to be shown, however, that Deut 15 is indeed the only source from which the author of Lev 25 could derive the *niphal* of מִכַּר. It must be remembered that there is in Hebrew essentially one word for "sell," namely, מִכַּר. Thus, if one wishes to speak of self-sale, there are only one or two ways to describe it, namely, with the *niphal* (or possibly the *hitpa'el*) of מִכַּר. When the author of Lev 25 broaches the subject

¹²⁸ But contrary to Levinson, we see H and D reworking C independently of one another, as New Testament scholars commonly view Matthew and Luke independently reworking Mark.

¹²⁹ The referenced works are: John Van Seters, *A Law Book for the Diaspora: Revision in the Study of the Covenant Code* (New York: Oxford University Press, 2003); Japhet, "Relationship between the Legal Corpora," 63–89; and Milgrom, *Leviticus* 23–27, 2254–56.

¹³⁰ Levinson, *Manumission*, 316.

of self-sale in Lev 25:42, then, he can scarcely avoid using the same word employed in Deut 15:12.

Moreover, the verb מכר occurs 13 times in Lev 25, and three times in the other chapter of Leviticus that deals with the jubilee, namely Lev 27. This in itself is unsurprising, since the jubilee has an impact on the *sale* of land and persons.

Prior to Lev 25:42b, there are no less than nine occurrences of מכר in the chapter, including two uses of the *niphal*. In Lev 25:14–16 it is forbidden to cheat one's kinsman when *selling* land. In Lev 25:23 it is stated that the land “must not *be sold*” (מכר in the *niphal*) in perpetuity. Lev 25:25 regulates the situation in which one's kinsmen *sells* property, and how it can be *sold* back to him (v. 27). Lev 25:29 regulates the *sale* of a house in a walled city. Lev 25:34 forbids *selling* the common land of Levitical cities—it *must not be sold* (מכר in the *niphal* again). Finally, Lev 25:39–42 regulates the self-sale of the kinsman, using the *niphal* of מכר for the third and fourth times. The fifth through seventh uses of *niphal* מכר occur in Lev 25:47, 48 and 50.

As has already been pointed out above, Lev 25 follows the progressive impoverishment of an Israelite kinsman. First he sells land, then his house, then himself to a fellow kinsman, and finally his own person to a foreigner. Are we to believe that for the first nine instances of מכר in Lev 25, which have no parallel in D, the author came up with מכר independently, but upon coming to the subject of self-sale in vv. 39–42, the only possible inspiration for his use of the *niphal* of מכר (which he has himself used twice already) is Deut 15:2? To the contrary, it seems the author of Lev 25 is very familiar with the word מכר and its *niphal* form. The *niphal* of מכר occurs nine times in the Holiness Code, but only once in all of Deuteronomy (Deut 15:18). If the *niphal* of מכר is more characteristic of H than of D, why must it originate with D?

Secondly, Levinson argues that the word שכיר in Lev 25:40 (כשכיר עמך, כחושב ידוה עמך, “like a hired man or a sojourner he will be with you”) is inspired by the “key term” of Deut 15:18: “for six years they have worked for you, providing double the service of a *hired man* (שכיר).”¹³¹

But again, it needs to be shown that an appeal to Deut 15 as the source for the concept of the שכיר is necessary. The term occurs six times in the Holiness Code, and only twice in Deuteronomy. Moreover, the terms *hired man* and *sojourner* are something of a word pair in the Holiness Code, occurring three times together: Lev 22:10, 25:6, and 25:40 (the verse under discussion). On the other hand, the two words never occur as a pair in Deuteronomy. Thus, the word שכיר is less characteristic of Deuteronomy than of the Holiness Code, and the usage in Lev 25:40 more closely resembles Lev 25:6 than Deut 15:18.

¹³¹ Levinson, *Manumission*, 317.

After advancing these two main arguments—the *niphal* of מָכַר and the use of שָׁכַר—Levinson proceeds to critique the work of Sarah Japhet and Jacob Milgrom, in which these two scholars tried to argue for the priority of Lev 25 to Deut 15 on literary grounds. Levinson advances three reasons why it is “much more likely that H here draws upon D.”¹³²

First, Levinson points out that, since the term אֶלֶף as a designation for a fellow Israelite is much more characteristic of Deuteronomy than of the Holiness Code, it does not make sense to argue, as Japhet does, that H invented the term and D borrowed it. Rather, Levinson argues that the use of אֶלֶף for a “fellow Israelite” in Lev 25 is a clear example of borrowing from Deut 15.

One can agree with Levinson’s critique of Japhet on this point without accepting the use of אֶלֶף in Lev 25 as proof of its dependence on Deuteronomy. As Levinson points out, אֶלֶף as a term for fellow Israelite in H is almost limited to Lev 25. However, in Deuteronomy it is not limited to ch. 15, but occurs abundantly throughout the whole book. Now, presuming the dependence of H on D, one still must ask, If H borrows the term אֶלֶף from D, why does he not use the term widely, as D does? Why is it (almost) limited to Lev 25?

Perhaps the reason אֶלֶף occurs so frequently in Lev 25 is that the jubilee legislation presumes a societal structure in which the people are settled by tribes, clans, and families on the land, and that therefore one’s male neighbors are also *quite literally one’s blood relatives*, i.e. one’s אֶלֶף or kinsman, just as Laban and Jacob were אֶלֶף and Abraham and Lot were אֶלֶף. “You” in Lev 25, that is, the addressee, the reader or hearer of the text, is a blood relation to the poor kinsman (אֶלֶף), and, as was argued above, “You” must function as the kinsman’s *go’el* at certain times (see Lev 25:35–43). The use of אֶלֶף in Lev 25 is more direct and literal than its usage in Deuteronomy. The Holiness Code need not be borrowing from Deuteronomy.

Secondly, Levinson notes that כִּי (י) is extremely common as an initial protasis marker in D, occurring 52 times in the legal corpus but only 13 times in H, of which seven are in Lev 25. However, all this seems to demonstrate is that H uses כִּי less frequently than D, not that Lev 25 is dependent on Deut 15. Moreover, כִּי as an initial protasis marker occurs at least 21 times in the Covenant Code, which is only approximately one-fifth the size of the legal corpus of D (i.e. Deut 12–26). Adjusting for size of corpus, כִּי is even more characteristic of C than of D. If H needed precedent for beginning a protasis with כִּי, H could have gotten it from C.

Thirdly, Levinson points out “the use of the *nip’al* form of the verb in the protasis is also fairly common in D, but occurs only here [i.e.

¹³² Levinson, *Manumission*, 317. For the following, see pp. 317–18.

Lev 25:39] in H.”¹³³ There is some confusion here: in point of fact, the *niphal* occurs in the protasis at least ten times in H (Lev 19:7; 21:9; 22:27; 25:30, 39, 47, 52, 54; 26:41). Levinson cites only seven examples from D (15:19; 17:2, 8; 21:1; 22:6, 22; 24:7—but there are certainly more). Moreover, at least six of the seven examples do not formally resemble Lev 25:39. In Lev 25:39, the *niphal* verb does not occur adjacent to כִּי in the main clause of the protasis, but in the second, coordinating clause: וְכִי יִמּוֹךְ אֶחָד עַמֶּךָ וַיִּמְכַּר לֶךְ. In D, however, there seems to be a tendency to begin a protasis with כִּי + *niphal* with the sense, “If such-and-such a situation occurs or is discovered.” Usually the verb מָצָא is used (e.g. כִּי יִמְצָא חֵלֶל בְּאֶדְמָה [Deut 21:1], cf. Deut 17:2; 22:22; 24:7), but פָּלַא (Deut 17:8) and קָרָא (Deut 22:6) are also employed in this kind of construction, which is never found in H. Thus, the use of the *niphal* in the protasis seems not to be quite relevant to the literary relationship of Lev 25 to Deut 15.

Levinson also raises at least two general difficulties for the idea that Deut 15 represents a reception or response to Lev 25: first, the language of Lev 25 is quite distinct from that of Deut 15, and if D were responding to H, we would expect some of H’s distinctive language to be reflected in D.¹³⁴ Secondly, the laws of D make little sense as a response to or development of Lev 25.¹³⁵ We may answer as follows: first, the language argument cuts both ways. Observing the clearly distinct terminology at use in Lev 25 vis-à-vis Deut 15, one may as well ask, if H is responding to D, why doesn’t Lev 25 reflect any of the unique terminology of Deut 15? Secondly, while Deut 15 does not appear to be a *development* of Lev 25, it may be a *rejection*, *abrogation*, or *alternative* to Lev 25, for reasons that will be discussed immediately below.

To summarize, Levinson has not yet provided convincing evidence that Lev 25 is literarily dependent on Deut 15, although his critique of the arguments of Van Seters, Milgrom, and Japhet on the ordering of the manumission laws is persuasive.

What, then, is the stance of Deut 15 to the earlier jubilee legislation? This question will likely never be answered with certainty. Nonetheless, possible answers may be proposed.

One possibility is that the Deuteronomist intended to abrogate the jubilee legislation: perhaps the fifty-year period for release of the indentured servant of Lev 25 was too long, and he wished to retrieve the ancient seven-year cycle of the Covenant Code.¹³⁶ Another pos-

¹³³ Levinson, *Manumission*, 318.

¹³⁴ Levinson, *Manumission*, 319.

¹³⁵ Levinson, *Manumission*, 320.

¹³⁶ Were this the case, however, we might expect some reference in the text to the jubilee provisions which would clarify that they are being abrogated. For example, when the Deuteronomic author wishes to abrogate the earlier practice of mul-

sibility is that the Lev 25 regulations were irrelevant to the Deuteronomist because they were defunct or even forgotten.¹³⁷ However, while possible, neither of the above solutions are necessary in order to make sense of the relationship of Deut 15 and Lev 25, because close reading of the texts demonstrates that they address two very different contexts.¹³⁸

The context of Lev 25 is rural, agrarian, and tribal. The land has sacral value because, among other factors, it contains the graves of the ancestors. The clan is obligated to ensure that the land remains as much as possible in the possession of the patrilineal descendants. The central concern is for the landed Israelite, i.e. a *paterfamilias* who has title to an ancestral inheritance, and may never be reduced to slave status, rather only to a kind of indentured servanthood (Lev 25:39–40). The jubilee is a recurring safety net to prevent any permanent alienation of land. But the jubilee does not apply to cities; urban property is outside the purview of the Levitical legislator, since it is neither agricultural nor sacral land.

Yet it is precisely the urban context which is the concern of Deuteronomy. In the city, the clan-structure loses its significance and the nuclear family becomes more important.¹³⁹ From the perspective of an urban, commercial economy, land is a commodity and loses its sacral character. There are many ways to make a living—even to become wealthy and powerful—without owning agricultural land: trade, craftsmanship, the military.¹⁴⁰ Thus Deuteronomy maintains a different attitude toward land than the Holiness Code or even the Covenant Code. The ancient pattern of a *shemittah* release (fallow) for the land every seven years for—among other things—the benefit of the poor (Exod 23:11), becomes transformed into a *shemittah* that makes sense

tiple altars with a central altar, he is explicit: “You shall not act at all as we now act here . . .” (Deut 12:8, NJPS). In Deut 15, however, there are no indications that a previously existing system is being altered.

¹³⁷ The transition from a rural agrarian to an urban commercial economy, with the breakdown the authority of the tribe and clan and the disruption of the system of ancestral land allocation due to latifundism and other factors (e.g. warfare) may have rendered the jubilee system unworkable.

¹³⁸ Scholars who have recognized that Deut 15 and Lev 25 address different contexts include Isaac Mendelsohn, *Slavery in the Ancient Near East* (New York: Oxford University Press, 1949), 18–19, 85, 89; Ellison, “The Hebrew Slave”; Tigay, *Deuteronomy*, 467; Wright, *God’s People*, 253–59; Chirichigno, *Debt-Slavery*, 353; and Schenker, “Biblical Legislation.”

¹³⁹ Van der Toorn, *Family Religion*, 196, 359.

¹⁴⁰ Cf. 2 Kgs 24:14.

for an urban economy and benefits the urban poor: a *shemittah* of debts (Deut 15:1–11).

In like manner, the slavery that concerns the Deuteronomist is not first of all that of the landed Israelite *paterfamilias* who might thereby be alienated from his ancestral inheritance and thus fail to perpetuate the names of his fathers on their land; but rather the slavery that seemed the inevitable fate of the many landless poor who may have congregated in the city to seek a living. The “Hebrew slave” of Deut 15:12–18 is probably a landless person, a conclusion which recently has been reached by scholars arguing along different lines. Christopher Wright has asserted that—just as is widely held to be the case in Exod 21—the “Hebrew slave” of Deut 15:12 “refers to this social class of nonethnic Israelite, landless people who were dependent on Israelite land-owning households for their employment and survival.”¹⁴¹ Gregory Chirichigno disagrees with Wright,¹⁴² instead proposing that both Exod 21:1–12 and Deut 15:12–18 stipulate “the periodic release of debt-slaves who were dependents of a defaulting debtor after six years service in the house of a creditor.”¹⁴³ Both Wright and Chirichigno correctly recognize, however, that the “slave” envisioned by Lev 25 has title to ancestral land, whereas the slaves envisioned in Exod 21:2–6 and Deut 15:12–18 do not.

A possible indication—although not a proof—that the “Hebrew slave” is not in the line of inheritance for ancestral land is his hypothetical willingness to become a permanent part of his master’s household (Exod 21:5–6; Deut 15:12–13). A landed Israelite would not do this, since it would prevent him from perpetuating his own name and the names of his fathers on the ancestral holding (cf. 1 Kgs 21:3).

¹⁴¹ Wright, *Deuteronomy*, 192. Cf. *God’s People*, 253–59; “What Happened,” 194–98. For responses to Wright, see above, n. 115. Wright’s perspective is favored here, because the distinction he draws between the two texts is based on explicit textual markers, whereas Chirichigno’s proposal must assume certain distinctions are implicit in the texts.

¹⁴² *Debt-Slavery*, 275–82.

¹⁴³ *Debt-Slavery*, 300. Although Wright’s perspective is favored here, Chirichigno’s case is admittedly well-argued throughout his monograph. His case is based on careful analysis and comparison of the biblical law-codes with relevant ancient Near Eastern analogues, combined with the observation that Exod 21:2–6 seems to presuppose a man who enters slavery either single or married but with no children, whereas Lev 25 supposes that the potential slave is already a father. Deut 15 makes no mention of the slave’s marital or familial status. Chirichigno is partially endorsed by Schenker, “Biblical Legislation.”

Also, as noted above, while the “slave” in Lev 25 is to “return” (שוב) to his clan and holding, the Hebrew slave of Deut 15 does not “return,” for he has nothing to which to return.

Thus, the social (or socio-ethnic) distinction between the “Hebrew slave” and the Israelite *paterfamilias*, together with the shift from a rural-agrarian to urban-commercial economy, may be the key to understanding the relationship between Deut 15 and Lev 25.¹⁴⁴

Finally, it may be asked whether the stipulations of Deut 15 would have rendered the jubilee irrelevant if both sets of laws were observed in the same society, as some have claimed.¹⁴⁵ Such a question is purely hypothetical, of course, since we have so little evidence that either of the texts were observed, much less at the same time. Yet it does speak to the issue of whether Deut 15 was designed to replace Lev 25.

The stipulations of the *shemittah* (Deut 15:1–11) could have been observed concurrently with the provisions of the jubilee without conflict. While the *shemittah* would have relieved some conditions (i.e. debt) that would have led to the sale of land (Lev 25:25–28), house (Lev 25:29–34), or person (Lev 25:39–55), once such a sale was made, the *shemittah* alone would not effect it. The *shemittah* relieves debt; but the person who has sold land, house, or person is no longer in debt. His or her debt has been paid by the proceeds of the sale. They are no longer debtors, but their property is alienated or their person is bound.

If the provisions for slave release (Deut 15:12–18) are intended to apply to the same individuals as the “slave” regulations of Lev 25:39–55, then Deut 15:12–18 clearly abrogates the former regulations. However, if it is correct that the two sets of laws have in mind different socio-economic classes or different kinds of “slavery,” then the two sets of laws could have been operational at the same time.¹⁴⁶ It seems likeliest that Lev 25 bans true slavery for Israelites (Lev 25:55), substituting instead a kind of bound labor subject to redemption and in no case to last longer than forty-nine years (Lev 25:39–55); while Deut 15:12–18 permits the true enslavement of “Hebrews” for six years, or permanently if the slave so desires.¹⁴⁷

¹⁴⁴ *Deuteronomy*, 467, quoted above, p. 64.

¹⁴⁵ E.g. Robinson, “Das Jubel-Jahr,” 475.

¹⁴⁶ Chirichigno, *Debt-Slavery*, 354.

¹⁴⁷ The distinction between true slavery and the bound labor of Lev 25:39–55

3.5. *The Relevance for Understanding the Jubilee*

The analysis of Deut 15 above leads to the conclusion that this legislation is quite different from that of Lev 25, and while motivated by somewhat similar concerns to alleviate poverty and curb the spread of slavery in the populace, it does not actually represent a reception or re-interpretation of the jubilee *per se*. While the analysis has not been fruitful for the understanding of the history of the interpretation of the jubilee, it was necessary to examine the text if only because Deut 15 and Lev 25 are frequently associated in scholarly literature, the former usually being considered a source for the latter.

4. *Conclusions*

This chapter examined the pentateuchal texts relevant to the jubilee subsequent to Lev 25. In the process of this examination, the following conclusions were reached:

First, there are good reasons for reading those other priestly texts in which the jubilee is mentioned—i.e. Lev 27 and Num 36—as stemming from the pre-monarchic period. This fact helps to confirm in a heuristic way the reconstruction of the *Sitz-im-Leben* of the jubilee already advance above (ch. 4). This is especially the case in Num 36, where the contextual issues (tribe-clan-inheritance-land-perpetuation of “name”) surrounding the mention of the jubilee (Num 36:4) cohere quite nicely with the overall picture (*gestalt*) of the jubilee painted in ch. 4 as an institution of ancient Israelite tribal society.

Second, the sanctity and significance of the jubilee to the Levitical author(s)—already apparent from the climactic position Lev 25 occupies in the Holiness Code and Leviticus generally—are underscored by the fact that even the LORD, through the mediation of the priests and the sanctuary cult, respects the institution by refraining from accepting permanent donations of land (Lev 27).

Third, the complex of issues surrounding the inheritance of Zelophehad’s daughters (Num 27 and 36) points to some variety of

is not merely theoretical or nominal; although working conditions may have been similar, there was a very real difference in legal status if one was a slave: cf. Exod 21:20–21, 26–27; 32; Deut 23:15–16. Thus, there was an advantage for the Israelite who—while possibly subject to a longer term of service—was never legally a slave (contra Hartley, *Leviticus*, 432).

belief in individual after-life in ancient Israel, which was tied in some way to the continued possession of ancestral property by patrilineal descendants. The jubilee, inasmuch as it was instituted as a final safeguard to ensure the inalienability of land from descendants, therefore takes on a certain “eschatological” aspect: the observance of the jubilee would ensure the perpetual blessedness of the deceased Israelite.

Finally, based on the evidence of socio-economic development between the Holiness Code and Deuteronomy, which broadly agrees with the general reconstruction of the development of ancient Israel from a tribal-agrarian to an urban-monarchic society, it was argued that Deut 15 relates to a later period in Israelite history than Lev 25. Thus, Deut 15 is not a source for the later. Although it is possible that Deut 15 abrogates or ignores the Levitical legislation, it seems more likely that the divergences between the two laws are to be explained by the quite different contexts each was formulated to address.

CHAPTER SIX

PERTINENT TEXTS IN KINGS AND JEREMIAH

There are no obvious references to the jubilee in the Deuteronomistic History (DtrH) or Jeremiah. However, there are several texts in these two works which must be discussed because they are (1) proposed as references to the jubilee by various scholars, (2) relevant to the reconstruction of aspects of ancient Israelite society pertaining to the jubilee legislation, or (3) commonly conflated with references to the jubilee in later biblical and extra-biblical texts. The DtrH and Jeremiah will be treated together because of the strong literary affinities between them.

1. *1 Kings 6–9: The Temple Dedication in the 500th Year after the Exodus?*

The first possible allusion to the jubilee to be discussed is the dedication of the Temple in the 500th year after the exodus as recorded in 1 Kings 6–9. If the Deuteronomistic Historian calculated the jubilees as 50-year periods, he may be implying that the temple was dedicated in the tenth jubilee year after Israel's liberation from Egypt.

Placing the temple dedication in the 500th year from the exodus requires some explanation. In 1 Kings 6:1, the author states that Solomon began to build the temple of the LORD in the 480th year after the Israelites had come out of Egypt. According to 1 Kings 6:37, it was completed seven years later. Therefore, one could argue that the Temple dedication of 1 Kings 8 took place in the 487th year from the Exodus.

However, the author chooses to arrange the narrative in such a way as to place the dedication in the 500th year. First of all, it will be noticed that since the temple was finished in the eighth month (1 Kings 6:38) but dedicated in the seventh (1 Kings 8:2), the dedication was obviously not immediate and could have taken place no sooner than the 488th year.¹ Moreover, between the completion of

¹ See the discussion in the commentaries, e.g. Martin J. Mulder, *1 Kings*, vol. 1

the temple and its dedication, the author interposes the account of the building of Solomon's palace (7:1–12) which took thirteen years (7:1). After the account of the construction of the palace, the manufacture of the furnishings of the temple by Hiram is described (7:13–51) which, however, is given no date or duration; the narrative can be read in such a way that Hiram's work is taking place concurrently with the construction of the palace. Therefore, counting seven years for the construction of the temple and thirteen for the construction of the palace, the narrative seems to imply that it is the 500th year from the exodus when the temple is dedicated: 480 years (1 Kings 6:1) plus twenty (1 Kings 6:38 + 7:1). That the completion of the temple and palace were considered one project and one event is implied by 1 Kings 9:1, 10. This implication is reinforced by 9:2–9, where the LORD responds to Solomon's prayer of dedication (1 Kings 8:22–61). Since the prayer of dedication obviously took place in the year of the temple's dedication, the reader would expect the reply to be immediate—and indeed it is narrated immediately. If the reader accepts the portrayal of the reply as immediate, then 1 Kings 9:1 indicates the royal palace had already been completed when the temple was dedicated, just as the narrative sequencing of the events (temple construction [1 Kings 6]—palace construction [1 Kings 7:1–12]—temple dedication [1 Kings 8]) also implies. For this reason, it seems that 1 King 6–9, when read in narrative sequence, points to the 500th year after the exodus as the year of the temple dedication.²

If the Deuteronomistic Historian does indeed wish to make the association of ten jubilee cycles (500 years) with the dedication of the temple, what would be the theological significance? Obviously, the dedication of the temple and the jubilee share a rich assortment of concepts which resonate more strongly for being brought into conjunction with one another. The jubilee is an “eschatological” institution designed to re-establish cyclically the ideal conditions of freedom and land-rights which the exodus and conquest attained for Israel.

(Historical Commentary on the Old Testament; Leuven: Peeters, 1998), 379–82; James A. Montgomery, *The Book of Kings* (ICC; Edinburgh: T & T Clark, 1951), 186–89; John Gray, *I & II Kings: A Commentary* (OTL; Philadelphia: Westminster, 1963), 192–94.

² This view is upheld by Otto Thenius, *Die Bücher der Könige* (Kurzgefasstes exegetisches Handbuch zum Alten Testament 9; Leipzig: Weidemann, 1849), 125–26.

The completion of the temple is similarly “eschatological,” representing the fulfillment of commands made through Moses (Deut 12:8–14; 1 Kgs 8:56) and the accomplishment of the final, ideal state of Israel in which she would be at rest from all her enemies (Deut 12:10; 2 Sam 7:1–2), reach her fullest territorial extent (cf. Deut 34:3–10; 1 Kgs 8:65), and have the LORD dwell in her midst (Deut 12:5, 11; 1 Kgs 8:10–13). The jubilee is associated with the day of atonement, which—as was discussed above—involves a ritual reassertion of the LORD’s presence in his sanctuary and reign over his people. Both these assertions are also made in the temple dedication (1 Kgs 8:6–11, 22–52), which—like the day of atonement—takes place in the seventh month, the foremost month for cultic festivals throughout the ancient Near East. Both the jubilee and the temple dedication are steeped in the memory of the exodus from Egypt (Lev 25:38, 42, 55; 1 Kgs 8:9, 16, 21, 51, 53) and in some sense commemorate and complete that event.

As rich as a possible association between the temple dedication and a tenth jubilee from the exodus may be, however, such an association remains highly speculative. Against it must be considered the following facts: (1) the jubilees were not to be counted from the exodus but from the entrance to the land (Lev 25:2); (2) the Deuteronomistic Historian makes no mention of the jubilee or the day of atonement, nor does he explicitly state that the dedication took place in the 500th year; and (3) it was argued above that the period of the jubilee cycle was 49 and not 50 years long.³

In connection with the building of the temple and the jubilee, mention should also be made of the work of Lee W. Casperson.⁴ Counting backwards from sabbatical year dates in the Second Temple period established by Ben Zion Wacholder on the basis of notices in Josephus and Tacitus, Casperson establishes a calendar of sabbatical years in Julian notation extending back to 1003 B.C.⁵ He then notes the fact the commencement of the building of the temple under Solomon, the repairs of the temple under Joash, Hezekiah, and Josiah, and the rebuilding of the temple under Zerubbabel all occur

³ Interestingly, however, the opinion of the rabbis was that the jubilee was counted by 50-year cycles before the exile and 49-year cycles afterward. See e.g. *b. Ned.* 61a.

⁴ Lee W. Casperson, “Sabbatical, Jubilee, and the Temple of Solomon,” *VT* 53 (2003): 283–96.

⁵ Casperson, “Sabbatical, Jubilee,” 285.

on dates that are even multiples of 49 years (a jubilee cycle) in relation to each other.⁶ Casperson suggests these may have been jubilee years, in which special attention was paid to temple restoration. An analogy for this is the Egyptian institution of the Sedfest, a festival involving temple renovation recurring on a thirty-year cycle.⁷

2. 1 *Kings* 21:1–18: *Naboth's Vineyard*

1 *Kings* 21 records the tragic tale of the Jezebel's murder of one Naboth of Jezreel in order that Ahab could seize Naboth's vineyard—adjacent to the palace—for use as a vegetable garden. The story begins with Ahab making a reasonable offer to Naboth: in exchange for the vineyard, he will give Naboth either a better one elsewhere, or its cash value (1 Kgs 21:1–2). But Naboth is intransigent:

... חֲלִילָה לִי מִיְּהוָה נָתַתִּי אֶת־נַחֲלָת אֲבוֹתַי לִךְ³

May the LORD curse me if I give you the inheritance of my fathers!
(v. 3)

Frustrated, Ahab returns home to sulk (v. 4). Jezebel, noticing his bad mood, inquires about the problem, and resolves to acquire the vineyard for Ahab by corrupt means (vv. 5–7). She has royal letters sent to the rulers of Naboth's hometown, instructing them to call a public assembly in which two scoundrels will accuse Naboth of cursing God and the king. Then Naboth is to be summarily stoned (vv. 8–10). The town rulers comply with Jezebel's instructions and inform her when the deed is complete (vv. 11–14). Jezebel then instructs Ahab to go seize the property of the dead man (vv. 15–16).

Many commentators have noted a relationship between 1 Kgs 21 and Lev 25: the jubilee legislation is the only legal text in the Bible that expresses the principle of the inalienability of ancestral land (Lev 25:23–24) which lies behind Naboth's reply to Ahab (v. 3).⁸ There

⁶ The one exception is the repair of the temple under Josiah, which is off by four years according to the usual calculations. But Casperson proposes an amendment of this dating, placing Josiah's repair in 618/17 B.C. rather than 622/21 B.C. See Casperson, "Sabbatical, Jubilee," 293–94.

⁷ See Casperson, "Sabbatical, Jubilee," 290.

⁸ See Jerome T. Walsh, *1 Kings* (Berit Olam; Collegeville, Minn.: Michael Glazier/Liturgical Press, 1996), 318 n. 4; idem, "Methods and Meanings: Multiple Studies of 1 Kings 21," *JBL* 111 (1992): 193–211, esp. 203; Terence E. Fretheim, *First and Second Kings* (Westminster Bible Companion; Louisville: Westminster John

are other links between 1 Kgs 21 and texts which are related to Lev 25 in various ways. The execution of Naboth for cursing God, i.e. blasphemy, seems to follow the procedure of stoning by the community outside the camp as laid out in Lev 24:10–23—curiously, the passage of the Holiness Code directly preceding the jubilee legislation. Ahab's seizure of the land of a blasphemer and rebel—which implies the disinheritance of Naboth's children—seems to imply the principle that the property of such a person was forfeit to the ruling authority. This same principle seems implied by the protestations of Zelophehad's daughters that their father had not participated in the rebellion of Korah (Num 27:3), as was seen above.

It is clear that Naboth's refusal to sell his land was not simply motivated by the desire to ensure the economic stability (through the possession of real estate) of his progeny, because Ahab offered him a better vineyard in exchange. Instead, Naboth indicates that there is some sort of sacred bond between his family and *this particular* piece of land, an attitude described earlier in this study as the "sacral-ity" of the land, which is evident throughout the Holiness Code and may be related to the burial of ancestors on familial property.

There is no good reason to question the essential historicity and therefore pre-exilic setting of the Naboth account, even if certain details may be dubious or confused according to some commentators. Its significance for the study of the jubilee lies in its historical witness to the principle of inalienability of ancestral property—on which the jubilee is based—in pre-exilic Israel; and to the conflict between traditional Israelite tribal-agrarian culture and the urban culture of the monarchy.⁹ Unfortunately, the story does not provide a witness to the specific provisions of Lev 25, but only to its underlying concepts.¹⁰ Nonetheless it is a small piece of evidence pertinent to the discussion of the jubilee's *Sitz-im-Leben*.

Knox, 1999), 118; Gwilym H. Jones, *1 and 2 Kings* (NCB; Grand Rapids: Eerdmans, 1984), 353; Simon J. DeVries *1 Kings* (WBC 12; Waco, Tex.: Word, 1985), 256; Reinhold Bohlen, *Der Fall Naboth* (Trier Theologische Studien 35; Trier: Paulinus-Verlag, 1978), 13–16, 320–50.

⁹ E.g. Eduard Neufeld, "Socio-economic Background of *Yōbēl* and *Šmitta*," *RSO* 33 (1958): 118; H. Eberhard von Waldow, "Social Responsibility and Social Structure in Early Israel," *CBQ* 32 (1970): 196–97; Karel van der Toorn, *Family Religion in Babylonia, Syria, and Israel: Continuity and Change in the Forms of Religious Life* (Studies in the History and Culture of the Ancient Near East 7; Leiden: Brill, 1996), 317–18.

¹⁰ So Bohlen, *Der Fall Naboth*, 13–16, 320–50.

3. 2 *Kings* 19:29: *Isaiah Proclaims a Two-Year Fallow*

In 2 Kings 19:29 (= Isa 37:30), in the account of Sennacherib's siege of Jerusalem during the reign of Hezekiah, Isaiah delivers a most intriguing oracle of salvation to the beleaguered Judean king:

וַיֹּהֲלֵךְ הָאוֹת^{29a}
 וַאֲכֹל הַשָּׂנָה סְפִיחַ^b
 וּבִשְׁנָה הַשְּׁנִיָּה סְחִישׁ^c
 וּבִשְׁנָה הַשְּׁלִישִׁית זָרְעוּ וְקָצְרוּ^d
 וַיִּנְטְעוּ כִרְמִים וַאֲכָלוּ פְרִים^e

^{29a}This will be a sign for you:

^bThis year eat what grows of itself,

^cAnd next year what springs of that,

^dBut in the third year, sow and reap,

^ePlant vineyards and eat their fruit.

The following verses promise that the remnant of Israel will experience renewal and rejuvenation similar to the agricultural renewal of the land (vv. 30–31).

Most commentators understand these verses as referring to two years of agricultural devastation during or after the Assyrian siege of Judah.¹¹ This interpretation is possible, but not completely unproblematic. For example, the verses speak of eating the spontaneous growth of the fields for two years. However, during an Assyrian occupation and siege, the population would be shut up within the fortified cities (e.g. Jerusalem). Eating the wild growth of the fields would be impossible in such a situation, and would become possible again only with the withdrawal of the invading force. Therefore, lines *b–c* cannot refer to siege conditions, in which one would eat stored food, not aftergrowth. On the other hand, line *c* at least cannot refer to conditions a year after the end of a siege, since with the withdrawal of the invading force it would become possible to sow and plant—what need would there be to wait until the third year (line *d*)? In any event, the biblical narrative does not portray the siege lasting for one or two more years, but rather breaking up immediately (2 Kgs 19:36–37), which would allow the resumption of agricultural activities at the latest by the coming fall, leaving line *c* (“and the next year what springs from that”) and the delay of plant-

¹¹ E.g. Fretheim, *Kings*, 204; Gray, *Kings*, 605; Jones, *Kings*, 580–81; Donald J. Wiseman, *1 and 2 Kings: An Introduction and Commentary* (TOTC; Leicester, UK: InterVarsity, 1993), 283.

ing till the third year (line *d*) unexplained. Therefore, the view that these verses are merely descriptive of a long siege and its aftermath is not without difficulty.

Many scholars note that the rare word *sāpīah* (ספִּיחַ) occurs only in 2 Kgs 19:29 (= Isa 37:30), Job 14:19 (where it has a very different sense), and Lev 25:5, 11.¹² Far fewer take note of the fact that this Isaianic oracle and Lev 25 are the only two passages of the Bible which speak of a two-year fallow.¹³ Is this lexical *and* conceptual link between the two passages merely coincidental?

If one opts for the position that the links with Lev 25 are not coincidental, it becomes possible to offer an interpretation of this oracle as an exhortation to observe the sabbatical year and jubilee. The word translated “sign,” *’ôt*, (אוֹת, v. 29a) is rich and varied in meaning. It can refer to an already existing thing or condition (e.g. Isa 8:18) or an act performed by God (Isa 7:14) or a human being (Isa 20:3), sometimes to actualize a covenant (Ezek 20:12, 20; cf. Exod 31:13–16; Gen 9:12, 13, 17; 17:11).

In 2 Kgs 19:29, the *’ôt* for Hezekiah may be an *’ôt* which he is to perform as an act of covenant fidelity to ensure the promised deliverance and blessing of God; namely, to observe the sabbatical and jubilee years. The Sabbath in general was considered a “sign” of the covenant between the LORD and Israel (Exod 31:13–16; Ezek 20:12, 20), and it seems fitting that the sabbath year and closely-related jubilee would also be considered as such.

The force of *’ākhôl* (אָכַל, v. 29b), the infinitive absolute, would then be that of an emphatic imperative, a very common use of the infinitive absolute attested throughout the Bible and elsewhere in Isaiah,¹⁴ and one that fits well with the sense of the four imperatives of v. 29c–e. Hezekiah and Judah with him are commanded to eat the after-growth of the fields for two years—the sabbatical and jubilee—before resuming agricultural activity. The performance of this sign of covenant fidelity¹⁵ will be both a harbinger and catalyst¹⁶

¹² E.g. Gray, *Kings*, 629; Wiseman, *Kings*, 283; Jones, *Kings*, 580; and others.

¹³ This assumes that the above interpretation of the jubilee as a second successive fallow to the seventh sabbatical year is correct.

¹⁴ GKC §113bb, 346. Cf. Isa 7:4, 38:5.

¹⁵ The theology of Ezek 20 is pertinent here, where Sabbath-keeping is the quintessential “sign” of fidelity to the covenant (cf. Exod 31:13–16) upon which are contingent the covenant blessings and curses (cf. Lev 26).

¹⁶ Notice how Isaiah’s performance of the “sign” in Isaiah 20 foreshadows and instigates the actualization of that which was signified. On the power of prophetic

for the renewal of Judah (vv. 31–32). Expressed differently, Hezekiah's keeping of the covenant "sign" of the Sabbath and jubilee years will provoke the covenant blessings of abundance and fertility for people and land (Lev 26:3–13).

The oracle confirms Hezekiah in his attempted religious reform of Judah (2 Kgs 18:3–7, 2 Chron 29–31), which may have been influenced by the Holiness Code.¹⁷

There may be external evidence suggesting that Isaiah delivered his oracle during a sabbatical year. If Innocenzo Cardellini's argument that the year 590–589 B.C.E. (fall-to-fall reckoning) was a sabbatical is correct,¹⁸ then, by counting backward, 702–701 B.C.E. would also have been one. It is known that Sennacherib's invasion of Palestine took place in 701 B.C.E.,¹⁹ and would have begun in the spring (cf. 2 Sam 11:1). If the events recorded in 2 Kings 19 took place later in the spring or summer, Isaiah would have issued his oracle during the sabbatical year.

This suggested interpretation of 2 Kgs 19:29 as an exhortation to observe the sabbatical and jubilee years is admittedly speculative. However, as has been shown, the traditional interpretation is also not without difficulties, and given the antiquity of the jubilee and its familiarity to the Isaianic tradition²⁰ if not Isaiah himself,²¹ the reading offered here should be considered at least possible.

sign-acts to actualize their intended fulfillment, see the discussion and literature cited in John P. Meier, *A Marginal Jew: Rethinking the Historical Jesus*, vol. 3 (New York: Doubleday, 1991), 183–84, esp. 184 n. 86.

¹⁷ Jacob Milgrom (*Leviticus 17–22: A New Translation with Introduction and Commentary* [AB 3a; New York: Doubleday, 2000], 1361–64) and Israel Knohl (*The Sanctuary of Silence: The Priestly Torah and the Holiness School* [Minneapolis: Fortress, 1995], 204–12) defend an eighth-century setting for the Holiness School, which edited and compiled the Holiness Code and earlier priestly writings (P). If this hypothesis is correct, then H would have been available to Hezekiah (cf. Knohl, *Sanctuary*, 209).

¹⁸ Innocenzo Cardellini, *Die biblischen 'Sklaven'-Gesetze im Lichte des keilschriftlichen Sklavenrechts* (BBB 55; Bonn: Peter Hanstein, 1981), 319–21.

¹⁹ See *inter alia* T. R. Hobbs, 2 *Kings* (WBC 13; Waco, Tex.: Word, 1985), 250, 254.

²⁰ The influence of the Holiness Code on Isa 58 and 61 will be demonstrated below, pp. 194–98. For another argument for the observation of the jubilee year in ancient Israel, see now Lee W. Casperson, "Sabbatical, Jubilee, and Solomon's Temple," *VT* 53 (2003): 283–96.

²¹ Cf. the discussion in Knohl (*Sanctuary*, 214–16) who, however, does not think H precedes Isaiah of Jerusalem.

4. *Jer 32:1–15: The Redemption of Hanamel's Field*

There are two historical-biographical narratives in the book of Jeremiah pertinent to the jubilee. The first is Jer 32:1–15, which recounts Jeremiah's redemption of a field belonging to his cousin. During Nebuchadnezzar's siege of Jerusalem at the end of the reign of Zedekiah (588 or 587 B.C.E.) Jeremiah is imprisoned in the courtyard of the guard for his gloomy prophesying (vv. 1–5). While there, he receives a premonition that his cousin Hanamel will come to him to urge him to fulfill his duty as a *go'el* by purchasing Hanamel's field in Anathoth, their familial home town (vv. 6–7). The premonition is immediately fulfilled (v. 8a), confirming for Jeremiah the reality of his revelatory experience (v. 8b). Jeremiah proceeds to purchase the field from his cousin, taking all due legal precautions to ensure the validity of the transaction (vv. 9–12). He publicly instructs Baruch the scribe to deposit the copies of the deed for safekeeping (vv. 13–14), and gives a word from the LORD which interprets the transaction as a prophetic sign-act with significance for the people facing defeat and deportation: "This is what the LORD . . . says: Houses, fields, and vineyards will again be bought in this land" (v. 15). Verses 16–44 give the account of a dialogue between the prophet and the LORD concerning the significance of the transaction, in which the LORD's promised restoration of the people of Israel is stressed (esp. vv. 37–44).

The essential historicity of this passage has been challenged by some scholars (e.g. Robert P. Carroll)²² and accepted by others (e.g. William Holladay).²³ Like most of the book of Jeremiah, Carroll believes Jer 32:1–15 to be a midrashic creation of Deuteronomistic scribes in the exilic or (more likely) post-exilic period. While he does not clearly articulate an argument against the historicity of this passage, he implies that its inability to answer all the historical questions that may be asked of it (e.g. whence did Jeremiah obtain the silver to pay for the field, and what became of the deed after it was stored by Baruch?) is evidence of a fictional account.²⁴

²² Robert P. Carroll, *Jeremiah: A Commentary* (OTL; Westminster/John Knox, 1986), 620–23.

²³ William L. Holladay, *Jeremiah 2* (Hermeneia; Minneapolis: Augsburg Fortress, 1990), 206–16.

²⁴ Carroll, *Jeremiah*, 621–22. Carroll also makes an unconvincing argument that

However, many undoubtedly historical texts raise more questions than they answer;²⁵ conversely, some fictional texts provide overly detailed accounts of the events they record.²⁶ Therefore, the brevity of Jer 32:1–15 is not an argument against its historicity.

Furthermore, Jeremiah's actions, with the care that he takes to witness and document the transaction, implies a restoration in which the particular plots of land owned by individuals in the pre-exilic period would be restored to them. However, no such precise restoration did, in fact, take place. Given the destruction of records, the redistribution of land by conquering forces, the opposition of the resident population (Ezra 4:1–5) and the return of only a portion of the exiled community, the idea that the returned exiles took over the exact lands of their ancestors is historically improbable and, in any event, unsupported by the relevant texts. At best, they were able to return to their ancestral villages (cf. Ezra 2:1, 70). Jer 32:1–15 would have created a certain amount of cognitive dissonance in the post-exilic era, since the restoration had been nowhere as complete as Jer 32:1–15 seems to predict. Therefore, the narrative is unlikely to be a post-exilic creation. While it could have been composed in the exile, it seems improbable that scribes would have created such specific fictional accounts of Jeremiah while the prophet was still a figure of living memory. Thus, Holladay's position that Jer 32:1–15 represents an edited account of a historical event seems more reasonable than Carroll's skepticism.²⁷

Lisbeth Fried and David Noel Freedman argue that this transaction takes place in a year of jubilee and indeed represents a standard

if Jeremiah had indeed purchased Hanamel's land, it would have been perceived as an act of treason (Carroll, 621–22). Carroll overlooks the fact that the Babylonians did not—and were not expected to—honor land tenure claims established before their conquest of Judah; and furthermore, had Jeremiah been a traitor who could have expected preferential treatment by the Babylonians, he need not have *purchased* land before the conquest, he could have simply *requested* that certain tracts of land be given by the Babylonian conquerors with whom he was supposedly so friendly. The purchase of land with conquest so imminent was pointless and would have been perceived as such.

²⁵ One thinks, for example, of the Amarna tablets.

²⁶ For example, the virginal birth of Christ recorded in the *Protoevangelium of James*.

²⁷ Carroll's commentary cannot be taken as disinterested historical analysis, but needs to be interpreted in light of Carroll's larger project of distancing the historical Jeremiah from the portrayal of him in the biblical book, which Carroll finds overly negative, condemnatory, and distasteful.

jubilee redemption compatible with the regulations of Lev 25.²⁸ According to this view, the field at issue is part of Jeremiah's patrimony. It is necessary for him to redeem it at some point in the jubilee year. The price of the field decreases with the approach of the last day of the jubilee year, at which point it is zero; but if the owner wishes to redeem earlier in the year, as Jeremiah apparently does, it is still necessary for him to pay a nominal fee—in this case seventeen shekels.

As attractive as this proposal is, there are several objections that would need to be addressed before it could be accepted:

The land should revert to the owner without cost on the first day of the jubilee year upon the most logical reading of Lev 25:8–55. There is no indication that money—even a nominal sum—must still be exchanged in the jubilee; and the day of the sounding of the trumpet (Lev 25:10)—the first day of the year—would be the most obvious point in time for the stipulations of the jubilee to come into effect.

Anathoth was a Levitical town, and Jeremiah and his family were almost certainly Levites. But Levitical property was excused from the stipulations of the jubilee and neither priests nor Levites were to own land. So regardless of what is occurring in Jer 32, it is not strictly in accord with Lev 25.²⁹

The impression of the narrative is that the field is properly Hanamel's and Jeremiah is a *go'el*; not that the field is properly Jeremiah's and is being returned by his *go'el* Hanamel, as Fried and Friedmann argue.

Although it does not shed light on a historical observation of the jubilee, Jer 32:1–15 is one of the earliest texts in which the concept

²⁸ Lisbeth S. Fried and David N. Freedman, "Was the Jubilee Observed in Preexilic Judah?" in Jacob Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary* (AB 3c; New York: Doubleday, 2000), 2257–70.

²⁹ One way of explaining this discrepancy would be to claim that priestly and levitical non-ownership of land is a post-exilic fiction retrojected into the pentateuchal materials (e.g. Lev 25) but clearly not attested in pre-exilic texts like Jer 32. But why would post-exilic priests deny themselves property rights? If nothing else, such a theory would run directly counter to the popular contemporary claim that the jubilee is a post-exilic fabrication on the part of the priests to get their land back. Another way of explaining the data is to regard priestly and levitical non-ownership of land as an archaic practice that was increasingly found impractical and abandoned by the time of Jeremiah, when property rules for Levites were assimilated to the practices for all other tribes.

of redemption (*ge'ullah*) and the figure of the redeemer (*go'el*) are applied typologically to the anticipated return from exile. This theme will be developed further elsewhere, e.g. in Second Isaiah. The logic behind the association of *go'el* and *ge'ullah* with restoration after exile lies in this: the purpose of the institution of *ge'ullah* was to prevent the alienation of family from ancestral land. At least theoretically, every Israelite was to have some ancestral inheritance, and thus the entire nation had a sacral bond with the land on which she was settled. However, the conquest and exile of both Israel and Judah are a challenge to the divine promise implicit in the regulations of redemption to the effect that the individual Israelite—and by extension the whole nation—will never permanently lose his title to his ancestral land. Has God revoked this promise? The answer of the prophets—in this instance Jeremiah—is an emphatic “No!”: in time God will restore Israel to her land. Jeremiah’s meticulous observance of the laws of redemption of land—in a crisis which calls into question the very relevance of those laws—is a powerful sign-act testifying to the continued validity of the divine promise implicit in them.³⁰

5. *Jer 34:8–22: The Release of Slaves under Zedekiah*

The second historical passage in Jeremiah to be considered is Jer 34:8–22, the account of the release of Jerusalemite slaves under Zedekiah.³¹

The pericope begins with the historical background for the subsequent oracle of the LORD: Zedekiah had made a covenant with the

³⁰ On this see Martin Chen-Chang Wang, “Jeremiah’s Message of Hope in Prophetic Symbolic Action—The ‘Deed of Purchase’ in Jer. 32,” *Southeast Asia Journal of Theology* 14 (1973): 13–20, esp. 15 n. 14, 18–20.

³¹ Significant contributions to the study of this pericope include, in chronological order: M. David, “The Manumission of Slaves under Zedekiah,” *OtSt* 5 (1948): 63–79; Johannes B. Baur, “The Law of Manumission in Jer 34,” *BZ* n.s. 15 (1971): 105–8; Nahum Sarna, “Zedekiah’s Emancipation of Slaves and the Sabbatical Year,” in *Occident and Orient: Essays Presented to C. H. Gordon on the Occasion of his Sixty-fifth Birthday* (ed. H. A. Hoffner, Jr.; AOAT 22; Neukirchen-Vluyn: Neukirchener Verlag, 1973), 143–49; Niels P. Lemche, “The Manumission of Slaves—The Fallow Year—The Sabbatical Year—The Jubel Year,” *VT* 26 (1976): 38–59, esp. 51–53; Cardellini, “*Sklaven-Gesetze*,” 312–21; Patrick D. Miller, “Sin and Judgment in Jeremiah 34:17–19,” *JBL* 103 (1984): 611–23; Simeon Chavel, “‘Let My People Go!’: Emancipation, Revelation, and Scribal Activity in Jeremiah 34:8–14,” *JOT* 76 (1997): 71–95; Moshé Anbar, “La liberation des esclaves en temps de guerre: Jer 34 et ARM XXVI.363,” *ZAW* 111 (1999): 253–55.

people of Jerusalem to free all their Hebrew slaves and not to hold a fellow Judean in bondage (vv. 8–10). After the general release, however, the people had a change of heart (probably due to the withdrawal of the Babylonian army, cf. vv. 21–22) and took back their slaves (v. 11).

In the ensuing oracle, the LORD first recounts the historical situation previously related, observing that the release of slaves was in keeping with the covenant made with Israel after the exodus (Ex. 21:2–6 and Deut 15:12–18) and was right in his eyes (vv. 12–15), but the subsequent reversal has “profaned the Name” (i.e. by breaking a covenant established by invoking the divine Name, v. 16). Therefore, the LORD has decided to “proclaim freedom” for Judah and Jerusalem: a freedom to fall by sword, plague, and famine (v. 17). Also, the LORD will actualize the covenant curses implicit in the rites of covenant-making performed by Zedekiah and the leaders of Judah and Jerusalem (v. 18–20). The LORD will bring the army of Babylon back against Jerusalem and utterly destroy the city and the towns of Judah (vv. 21–22).

It has been argued that this release of slaves was part of the observation of a year of jubilee³² or *shemittah*.³³ By far the stronger case can be made for the latter, due to the direct allusions to Deut 15 in the text. However, on closer examination it becomes clear that the emancipation under Zedekiah did not literally follow any one of the laws for the release of slaves to be found in the Covenant (Exod 21:1–12), Holiness (Lev 25), or Deuteronomic (Deut 15) codes.³⁴ Unlike the provisions of the Covenant Code, the release under Zedekiah includes female slaves. Unlike the Deuteronomic provisions, the release is universally simultaneous, not based on the “start date” of the slave. And unlike the regulations of Lev 25—which do not recognize the possibility of true slavery for Israelites in the first place—the language used to describe the release is largely Deuteronomic, based particularly on Deut 15.

³² Fried and Freedman, “Jubilee Year,” 2264–65.

³³ See Sarna, “Zedekiah’s Emancipation,” 149, who places a sabbatical in 588–587 B.C.E., and Cardellini, ‘*Sklaven*’-Gesetze, 319–21, who places it in 590–589 B.C.E. To the contrary see William L. Holladay, *Jeremiah 2* (Hermeneia; Minneapolis: Fortress, 1989), 239, who postulates a sabbatical in 587–586 B.C.E.—too late to be associated with the emancipation.

³⁴ Cf. Holladay, *Jeremiah 2*, 238: “[T]he specific application of the law referred to in the present passage does not reflect directly any single extant formulation of the law.”

The covenant of emancipation instigated by Zedekiah does not, in fact, aim to fulfill any specific law of the Torah to the letter, but rather is an *ad hoc* enactment meant to fulfill the spirit of all of them, and the language used to describe the event draws from both Deut 15 and Lev 25. The fact that the emancipation does not accord exactly with any one legal text has been used to argue that the association between Zedekiah's covenant and the pentateuchal texts is only a product of later redactional activity: originally the event made no reference to older laws and was purely a political expedient.³⁵ Such a conclusion is unwarranted. The slave release laws of the Covenant, Holiness, and Deuteronomic codes had been formulated for specific socio-cultural conditions that had long since ceased to obtain by the reign of Zedekiah,³⁶ and no wooden one-for-one application of the laws was possible even if it were desired.³⁷ Although the motives of Zedekiah and the Judean ruling class were no doubt mixed, with economic or military concerns likely predominating,³⁸ once they decided to declare a general release of slaves, it would have been to their advantage to portray the event as a fulfillment of sacred legal traditions, even if the fit between law and praxis was inexact.³⁹ There is no reason to suppose that the ancient Israelites were fundamentalists in the interpretation of their own traditions; the suggestion that the emancipation represents an early reinterpretation of Deut 15:12–18 in light of Deut 15:1–11 is plausible.⁴⁰

³⁵ E.g. Carroll, *Jeremiah*, 648, and William McKane, *A Critical and Exegetical Commentary on Jeremiah*, vol. 2 (ICC; Edinburgh: T & T Clark, 1996): 879–80.

³⁶ For example, the term “Hebrew” in Exod 21 and arguably Deut 15 (if Deuteronomy or at least this portion of it is allowed to be older than the seventh century B.C.E.) was archaic and no longer described a distinct socio-economic (or socio-ethnic) class in the time of Zedekiah; and the tribal-agrarian culture posited by Lev 25 had long since ceased to characterize Judean society.

³⁷ This is particularly the case with the jubilee legislation, in which the basis for reckoning the purchase price of land and slaves was the proximity of the jubilee year, and all such dealings were understood to be temporary. How does one suddenly introduce this legislation into an economy in which transactions of land and slaves have been made without reference to the year of jubilee and on the assumption that the transaction would be permanent?

³⁸ On this, see most recently Moshé Anbar, “La liberation des esclaves en temps de guerre.”

³⁹ Baur (“Law of Manumission,” 106–7) argues that religious archaizing was popular at the end of the pre-exilic period, typified by Josiah's reform, but Zedekiah's emancipation being another example (cf. also Jer 35 concerning the Rechabites, who preserve an archaic lifestyle).

⁴⁰ So Sarna, “Zedekiah's Emancipation.”

The literary dependency of Jer 34 on Deut 15 is quite strong and has been thoroughly explored elsewhere.⁴¹ Sarna notes the following correspondences in terminology:⁴²

- (1) The phrase **שְׁלַח הַפֶּסֶי**, characteristic of Deut 15 (vv. 12, 13, 18) recurs in Jer 34 four times (34:9, 10, 14, 16). Different terminology for the release of slaves is used in Exod 21 and Lev 25.
- (2) In Jer 34:14, the above phrase is paired with **בַּעֲמֶךָ**, which is the characteristic style of Deut 15 (vv. 12, 13, 18).
- (3) The phrase **הָעֶבְרִי וְהָעֵבְרִיָּה** in Jer 34:9 corresponds to **הָעֶבְרִי אוֹ** **הָעֵבְרִיָּה** of Deut 15:12.
- (4) The Hebrew slave is several times designated as “brother” (Jer 34:9, 14, 17), following the formula of Deut 15:12.
- (5) Jeremiah cites the law of manumission beginning with **מִקֵּץ שִׁבְעָה שָׁנִים**, the first three words of Deut 15:1, introducing the laws of *shemittah* and slave release.
- (6) Jer 34:14 expresses enslavement by the phrase **אֲשֶׁר יִמְכַּר לְךָ**, corresponding to Deut 15:12, **כִּי יִמְכַּר לְךָ**, as opposed to the phrase used in Exod 21:2, **כִּי תִקְנֶה עֶבֶד**.
- (7) The phrase describing the term of service (**וְעֶבְרֹךְ שֵׁשׁ שָׁנִים**) is identical in Deut 15:12 and Jer 34:14 but differs, for example, in Exod 21:2 (**שֵׁשׁ שָׁנִים יַעֲבֹד**).
- (8) Both Jeremiah and Deuteronomy associate the manumission of slaves with the Exodus (cf. Jer 34:13, 15:15), although Exod 21 does not.

Sarna notes many additional examples of language which seems to allude to other parts of Deuteronomy as well.⁴³ Conceivably, one could argue that the direction of dependence is from Jeremiah to Deuteronomy, but there is little or no scholarly support for such a view.

The allusions in Jer 34 to Lev 25 have received less attention but are nonetheless significant.⁴⁴ These may be enumerated as follows:

⁴¹ See Sarna, “Zedekiah’s Emancipation,” 145–48, and Cardellini, “*Sklassen*”-Gesetze, 317–19.

⁴² The following are taken from Sarna, “Zedekiah’s Emancipation,” 145–46.

⁴³ Sarna, “Zedekiah’s Emancipation,” 145. Cf. Jer 34:13 and Deut 29:24; Jer 34:14 and Deut 5:6 *et passim*; Jer 34:15 and Deut 6:18 *et passim*; Jer 34:18 and Deut 17:2; Jer 34:17 and Deut 28:25; Jer 34:18 and Deut 27:26; Jer 34:20 and Deut 28:26.

⁴⁴ Levinson mentions the “consensus” view that Jer 34 represents a mediating point of the Pentateuchal slave laws between Deut 15 and Lev 25 (Bernard Levinson, “The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a

(1) *The phrase לקרא דרור*. The phrase לקרא דרור occurs several times in Jer 34 (vv. 8, 15, 17 [bis]). Outside of Jer 34, the phrase only occurs in Lev 25:10 and Isa 61:1. Additionally, the word דרור by itself occurs in Ezek 46:17. Lev 25:10 is, of course, the seminal verse of the jubilee legislation, and, it will be argued, Ezek 46:17 and Isa 61:10 are both allusions to the jubilee.⁴⁵ Thus, outside of Jer 34, דרור occurs in the Bible only as a reference to the jubilee. This does not prove that Jer 34 also means to allude to the jubilee, but it makes it reasonable to suppose that it does. This is all the more the case since the only universal, simultaneous release of persons in bondage in the biblical legal corpora is Lev 25; Exod 21 and Deut 15 provide only for individual manumissions. In this respect, Zedekiah's emancipation resembles the jubilee more closely than the regulations of Exod 21 or Deut 15,⁴⁶ leading Fried and Friedmann to argue that 588–587 B.C.E. was a jubilee year.⁴⁷ While Fried and Friedmann probably go beyond the evidence in making such an assertion, they are correct in noting that the phrase לקרא דרור in Jer 34 is a jubilee allusion.⁴⁸

(2) *The phrase יהודי אחריו*. Jer 34:9 presents an interesting conflation of pentateuchal slave-release traditions:

Challenge to Contemporary Pentateuchal Theory,” in *Congress Volume Leiden 2004* [ed. André Lemaire; VTSup 109; Leiden: Brill, 2006], 281–324, here 283). Thus, Lev 25 draws on Jer 34. However, if this were the case, we would expect the heavy Deuteronomic terminology of Jer 34, so amply demonstrated by Sarna, to be reflected at least minimally in Lev 25. However, D language is absent from Lev 25. Levinson attempts to show that the *niphal* of מכר and the word שכיר in Lev 25 are indications of literary dependence on Deut 15, but these terms are actually more characteristic of H than of D.

⁴⁵ See below, ch. 7.

⁴⁶ Noted by e.g. Carroll, *Jeremiah*, 648; and Gerald L. Keown, Pamela J. Scalise, and Thomas G. Smothers, *Jeremiah 26–52* (WBC 27; Dallas: Word Books, 1995), 188.

⁴⁷ Fried and Freedman, “Jubilee Year,” 2257–59.

⁴⁸ Chavel's denial that Jer 34 alludes to the jubilee (“Let My People Go!” 75 n. 12) seems unnecessary, especially since he recognizes that the redactor of the passage (1) refers to the jubilee legislation elsewhere (i.e. Jer 34:9b; “Let My People Go!” 88–93) and (2) that the word was taken as a reference to the jubilee by later biblical writers (i.e. in Neh 5:1–13; “Let My People Go!” 93–94). Chavel's claim that “the term דרור in Jer 34:8 *coincidentally* recalls the legislation of Lev 25” (“Let My People Go!” 93) seems strained. The fact that Zedekiah's emancipation was not actually a jubilee year (“[the word *derôr*’s] meaning [in Lev 25:10] differs greatly from Jer 34:8,” *idem*) does not mean that the author of Jer 34:8–12 or even Zedekiah himself would have missed the resonances the event had with the ancient jubilee and taken advantage of the opportunity to cloak the event with jubilee language (so Fried and Freedman, “Jubilee Year,” 2257).

לִשְׁלַח אִישׁ אֶת־עַבְדּוֹ וְאִשׁ אֶת־שִׁפְתָּתוֹ הָעִבְרִי וְהָעִבְרִיָּה חֲפָשִׁים לְבִלְתִּי עֲבַד־בָּם
בִּיהוּדִי אֲחִיהוּ אִישׁ

⁹to send away each one his slave and each his handmaid—Hebrew and Hebrewess—[as] free [persons], lest anyone should enslave his Judean brother.

The first phrase, לִשְׁלַח . . . חֲפָשִׁים, uses language borrowed from Deut 15,⁴⁹ but the second phrase, לְבִלְתִּי . . . אִישׁ, “lest anyone should enslave his Judean brother,” is without precedent in Deut 15 or Exod 21, neither of which gives a blanket prohibition against enslaving fellow Israelites. The only such prohibition is from Lev 25,⁵⁰ where it is expressed most succinctly in vv. 39 and 46:

וְכִי־יִמָּוֶךְ אֲחִיךָ עִמָּךְ וְנִמְכַר־לְךָ לְאִדָּתְעַבְדְּ בּו עֲבַדְתָּ עַבְדִּי:
וּבְאֲחֵיכֶם בְּנֵי־יִשְׂרָאֵל אִישׁ בְּאֲחֵיו לְאִתְרֹדֶה בּו בַּפֶּךְ: ⁴⁶

³⁹And if your brother grows poor by you and sells himself to you, do not enslave him.

⁴⁶ . . . but over your brothers, the sons of Israel—one man over his brother!—you shall not rule over him with harshness.

Jer 34:9b is a brief summary of Lev 25:39–46.⁵¹ The term “Judean” (יהודי) is used in place of “Israelite” (בְּנֵי־יִשְׂרָאֵל, Lev 25:46) since all that remained of Israel was Judah.⁵² The intent of the emancipation under Zedekiah—at least as perceived by the author of Jer 34—was not simply to release slaves on a regular basis as envisioned by Exod 21 and Deut 15, but to eradicate the practice of Israelites (=Judeans) enslaving one another.⁵³

(3) *Wordplay on קרא דרוּר and שׁוּב*. Two powerful, central concepts of the jubilee legislation are those of “proclaiming liberty” (קרא דרוּר) and “return” (שׁוּב).⁵⁴ The importance of these concepts is expressed in the chief command of the jubilee:

⁴⁹ Sarna, “Zedekiah’s Emancipation,” 145–46.

⁵⁰ Noted by Carroll, *Jeremiah*, 649.

⁵¹ Chavel, “Let My People Go!” 92: “Jer 34:9b encapsulates the entire paragraph concerning slave laws in the Holiness Code by drawing on the language of its opening and closing verses.” M. David misses this reference and the other allusions to Lev 25, and therefore concludes that the legislation was not known in the days of Jeremiah (“Manumission of Slaves,” 78).

⁵² Chavel, “Let My People Go!” 89–91.

⁵³ Chavel, “Let My People Go!” 85, 92; Cf. Moshe Weinfeld, “Sabbatical Year and Jubilee in the Pentateuchal Laws and their Ancient Near Eastern Background,” *Law in the Bible and Its Environment* (ed. Timo Veijola; Helsinki: Finnish Exegetical Society/Göttingen: Vandenhoeck & Ruprecht, 1990) 39–62, here 41–42.

⁵⁴ Cf. Keown et al., *Jeremiah* 26–52, 188.

וְקִדַּשְׁתֶּם אֶת שְׁנַת הַחֲמִשִּׁים שָׁנָה וְקִרְאתֶם דְּרוֹר בְּאֶרֶץ כָּל־יֹשְׁבֶיהָ יוֹבֵל הוּא תַּחֲתֵי
לָכֶם וּשְׁבַתְּם אִישׁ אֶל־אֲחֻזָּתוֹ וְאִישׁ אֶל־מִשְׁפַּחְתּוֹ תִּשְׁבוּ:

¹⁰You shall consecrate the fiftieth year and proclaim liberty in the land to all its inhabitants; it will be a jubilee for you, and each of you shall return to his holding and each to his clan shall return.

Jer 34:8–22 engages in wordplay on both these concepts.⁵⁵ In the opening line of the pericope, we read of Zedekiah proclaiming liberty in terms reminiscent of the jubilee legislation:

הִדְבַּר אֲשֶׁר־הָיָה אֶל־יְרֵמְיָהוּ מֵאֵת יְהוָה אַחֲרֵי כִרְתַּת הַמֶּלֶךְ צִדְקִיָּהוּ בְרִית
אֶת־כָּל־הָעָם אֲשֶׁר בִּירוּשָׁלַם לִקְרָא לָהֶם דְּרוֹר:

⁸The word which came to Jeremiah from the LORD after King Zedekiah cut a covenant with all the people in Jerusalem to proclaim liberty to them.

Then follows the account of the people's fulfillment of the covenant by releasing their slaves (vv. 9–10). After the point in the narrative where the slaves are released (v. 10b), we would expect on the basis of Lev 25:10 to read of their return to their own property and family, e.g.:

וַיָּשׁוּבוּ אִישׁ אֶל־אֲחֻזָּתוֹ וְאִישׁ אֶל־מִשְׁפַּחְתּוֹ

Then they [i.e. the freed slaves] returned, each to his holding and each to his clan

Instead, in v. 11 we read of a quite different kind of “returning”!

11 וַיָּשׁוּבוּ אַחֲרֵיכֶן וַיָּשׁוּבוּ אֶת־הָעֲבָדִים וְאֶת־הַשְּׁפָחוֹת אֲשֶׁר שְׁלָחוּ חֲפָשִׁים וַיִּכְבִּישׁוּם
לְעֲבָדִים וּלְשָׁפָחוֹת:

Then they turned around after this and made their male and female slaves—whom they had sent away free—return [to slavery], and they oppressed their male and female slaves.

There is a “return,” certainly, but not a return of the slaves to home and family; rather, a return of the greed and self-interest of their masters and a return of themselves to slavery.

⁵⁵ Cf. Walter Brueggemann, *To Build, to Plant: A Commentary on Jeremiah 26–52* (ITC; Grand Rapids: Eerdmans, 1991), 109–10. Patrick Miller explores several cases of “poetic justice” in Jer 34:17–19 (“Sin and Judgment”), including the play on לִקְרָא דְרוֹר. Unfortunately, the wordplay on שׁוּב has been missed by Miller, but should be added to his list to strengthen his argument. It does not escape the notice of J. Gordon McConville, *Judgment and Promise: An Interpretation of the Book of Jeremiah* (Winona Lake: Eisenbrauns, 1993), 105–6.

In vv. 12–14, the LORD speaks to Jeremiah, recounting the covenant made when the Israelites left Egypt, and the continual breaking of that covenant on the part of Israel. Then he narrates a recent “turning” of the people:

15 ותשבן אתם היום ותעשו את־הישר בעיני לקרא דרור איש לרעהו ותכרתו ברית לפני בבית אשר־נקרא שמי עליו: 16 ותשבן ותחללו את־שמי ותשבן איש את־עבדו ואיש את־שפחתו אשר־שלחתם חפשים לנפשם ותכבשו אתם להיות לכם לעבדים ולשפחות:

¹⁵Recently you returned and did right in my eyes by proclaiming liberty, each to his neighbor, and you made a covenant before me in the house which is called by my name. ¹⁶But then you turned around and profaned my name, each one making his male and female slave—whom you had sent away free and independent—return [to slavery] and oppressed them by making them [once again] your male and female slaves.

Language from the Holiness Code is being used here: the expression חלל שמי (“profane my name,” v. 16) is an idiom from H (Lev 18:21; 19:12; 20:3; 21:6; 22:2, 32) which Ezekiel also borrows (Ezek 20:39; 36:20, 21, 22, 23).⁵⁶ Since Ezekiel was a priest and Jeremiah was of priestly descent (Jer 1:1), it is unsurprising to find reflections of priestly (H) texts in their diction. This use of H language strengthens the plausibility that the wordplay on לקרא דרור and שוב is also drawing on H (i.e. Lev 25:10).

The LORD then announces an act of poetic justice which plays off the idea of “proclaiming liberty”:

17 לכן כה־אמר יהוה אתם לא־שמעתם אלי לקרא דרור איש לאחיו ואיש לרעהו הני קרא לכם דרור נא־סִי־הוה אל־החרב אל־הדבר ואל־הרעב ונתתי אתכם לזועה [לזועה] לכל ממלכות הארץ

¹⁷Therefore, thus says the LORD: “You have not obeyed me; you have not proclaimed liberty each to his brother and each to his neighbor.” “Look! I will proclaim liberty to you,” declares the LORD, “[Liberty] for the sword, pestilence, and famine—I will make you an abomination to the all the kingdoms of the earth.”

It is interesting to note that the punishments of v. 17 follow the pattern of punishments in Lev 26:25–26. In both texts the order of

⁵⁶ Noted by Holladay, *Jeremiah* 2, 242. Holladay, however, seems to construe Leviticus as drawing on Jeremiah (but see Holladay, 39–40). It is held here that the literary relationship is H → Jeremiah.

punishments is sword (חֶרֶב, Lev 26:25a),⁵⁷ pestilence (דָּבָר, Lev 26:25b), and famine (רָעָב, Lev 26:26 [the word is not used in v. 26 but famine is described]), and the offense is covenant-breaking (cf. Lev 26:14–15, 25a; Jer 34:13–14, 18). If the author of Jer 34:17 is drawing on traditions from Lev 26⁵⁸—a chapter so closely related to the jubilee legislation, as noted above⁵⁹—it enhances the likelihood that the allusions to the jubilee elsewhere in the pericope are intentional.

After the proclamation of “liberty” to sword, pestilence, and famine, the LORD vows another act of poetic justice, this time working with the self-imprecatory rituals of the covenant-making ceremony enacted by Zedekiah and the leaders of the people (vv. 18–21).⁶⁰

Finally, the LORD proclaims an act of poetic justice based on the violated principle of “return”:⁶¹

22 חֲנִי מִצֹּחַ נֹאמְדִיהוּה וְהִשְׁבַּחְתִּים אֱלֹהֵיךְ הוֹאֵת וְנִלְחַמוּ עֲלֶיהָ וְלִכְרוּהָ וְשָׂרְפָהּ
בָּאֵשׁ וְאֶת־עֲרֵי יְהוּדָה אֵתָן שְׂמִמָּה מֵאֵין יֵשֵׁב:

²²Look! I am giving the command,” declares the LORD, “I will make them return to this city, fight against her, capture her, and burn her with fire; and the [other] cities of Judah will be a desolation without inhabitant.”

Thus, throughout Jer 34:8–22 there is wordplay on two concepts so central to the idea of jubilee: “proclamation of liberty” and “return.” The Judeans reneged on their pledge to “proclaim liberty;” the LORD “liberates” them to the sword, pestilence, and famine. They failed

⁵⁷ Interestingly, although חֶרֶב, “sword,” is a favorite covenant curse item for Jeremiah to mention (Jer 5:12; 9:16; 14:12, 16; 18:21; 21:7; and elsewhere throughout the book), the word חֶרֶב does not occur with the meaning “sword” in the covenant curses of Deut 28. It is, however, found frequently in the covenant curses of Lev 26 (vv. 6, 7, 8, 25, 33, 36, 37).

⁵⁸ There are other uses of Lev 26 in Jeremiah: cf. Lev 26:30 with Jer 16:18, Lev 26:41 with Jer 4:4. These are noted by Holladay, *Jeremiah* 2, 40, although he is inclined to reverse the order of dependency. On the order of dependency, see Milgrom, “Leviticus 26 and Ezekiel,” in *The Quest for Context and Meaning: Studies in Biblical Intertextuality in Honor of James A. Sanders* (ed. Craig A. Evans and Shemaryahu Talmon; Leiden: Brill, 1997), 57–62. Milgrom shows—as convincingly as possible given the inherent limitations of literary criticism—that the direction of borrowing is Lev 26 → Ezekiel. Since Jeremiah and Ezekiel were contemporaries, it strains credibility to postulate that Lev 26 borrows from Jeremiah but predates Ezekiel. Rather, Jeremiah should be considered dependent on Lev 26.

⁵⁹ See ch. 4.2

⁶⁰ Noted by Miller, “Sin and Judgment.”

⁶¹ McConville calls this “a final crunching use of *šûb*” (*Judgment and Promise*, 106).

to allow their slaves to “return” to their family, property, and freedom; the LORD causes the armies of Babylon to “return” to their city. In light of the other allusions to the jubilee legislation noted above, it seems that this complex wordplay is hardly coincidental. The author of Jer 34:8–22 is characterizing the LORD’s punishment of the ruling classes of Judah and Jerusalem as an “un-jubilee” which matches their reneging on the *ad hoc* “jubilee” they had recently proclaimed.⁶²

In summary, the emancipation of slaves under Zedekiah was motivated by economic and military factors, but there is no reason to doubt that even Zedekiah himself would have encouraged the perception that it was a fulfillment of ancient Israelite sacred laws. Certainly the author of Jer 34:8–22 perceived it as such.⁶³ Although he describes the emancipation largely in terminology taken from Deut 15:1–18, there are also important references to the jubilee: the use of *לְקַרְא דְּרוּר*, the denunciation of intra-Israelite (= Judean) slavery, and the wordplay on *לְקַרְא דְּרוּר* and *שׁוּב*.⁶⁴ Therefore, Jer 34:8–22 may be regarded as evidence—already in the days of Jeremiah and Baruch⁶⁵—for a creative re-use of language and concepts from the

⁶² Cf. Klaus Koch, “Die Zahlen der Judäischen Könige und die Apokalyptischen Jahrwochen,” *VT* 28 (1978): 436.

⁶³ Cf. Henry McKeating, *The Book of Jeremiah* (Epworth Commentaries; Peterborough, UK: Epworth, 1999), 165–66. It remains unexplained why it is more plausible in the minds of many commentators that a connection between the emancipation and ancient Israelite law could have occurred to an exilic redactor but *not* to the actual participants only a few decades earlier.

⁶⁴ Weinfeld (“Sabbatical Year,” 39–41, esp. 41 n. 8), Carroll (*Jeremiah*, 649: “The story in vv. 8–11 should be read as a midrash on slave rulings set into the Jeremiah tradition”) and Chavel (“Let My People Go!” 76: “To appreciate fully the virtuosity of this author’s critique requires recognizing and analyzing its lemmatic mixing of YHWH’s pentateuchal legislation to free one’s Hebrew slave with Zedekiah’s proclamation of *דְּרוּר*”) are doubtless correct in their opinion that Jer 34:8–12 represents an interpretive conflation of pentateuchal laws on manumission. However, Carroll and Chavel’s opinion that this did not take place until the Persian period is unnecessary. There are scarcely any data to substantiate Chavel’s speculation that Jer 34:8–22 owes its final form to a redactor trying to establish legal precedent for Nehemiah’s emancipation of slaves in Neh 5; indeed, neither the historical Nehemiah (such as he can be perceived through the texts) nor the book that bears his name seem to think it necessary that he have some precedent for his action; why would the redactor of Jeremiah think he did? Indeed, why should the redactor of Jeremiah be concerned about Nehemiah at all? Carroll, on the other hand, argues from the fact that he can ask more questions of Jer 34:8–22 than the text can answer to the conclusion that the text is unhistorical (*Jeremiah*, 647–48), but the faultiness of such an argument’s logic is apparent upon its articulation. What ancient historical text *does* answer all the questions we may pose about the event(s) it records? His placement of the text in the Persian period (*Jeremiah*, 647) is arbitrary.

⁶⁵ Both Jeremiah and Baruch would have been well-versed in Israelite religious

release laws of Deut 15 and the jubilee of Lev 25 in response to a failed royal gesture towards fulfilling these commands concretely.

6. *Jeremiah's "Seventy Years"*

Before leaving Jeremiah it is necessary to discuss two passages, Jer 25:11–12 and Jer 29:10, which bear no relation to the jubilee but were combined with it in later biblical and extra-biblical texts. These passages relate Jeremiah's prophecy of "seventy years" of Judean subjugation (Jer 25:11) and Babylonian hegemony (Jer 29:10) after which the fortunes of the two nations will be reversed (Jer 25:12, 29:10b–11).⁶⁶

literature: Jeremiah was of priestly descent (Jer 1:1) and Baruch a trained scribe. As has been pointed out above (pp. 56–60) there is good reason for holding H to have been in existence before Jeremiah. Indeed, William Holladay argues that Jeremiah alludes to material from both P and H (*Jeremiah* 2, 36–40). D, of course, at least in an early form, is acknowledged to have been available to the prophet. Some have argued on the basis of literary stratification and vocabulary that 34:8–22 cannot be Jeremianic (e.g. Wilhelm Rudolph, *Jeremia* [HAT 12; Tübingen: J. C. B. Mohr/Siebeck, 1968], 222–23), but Helga Weippert has demonstrated that such arguments are not compelling (*Die Prosreden des Jeremiabuches* [BZAW 132; Berlin: de Gruyter, 1973], 86–106; endorsed by Holladay, *Jeremiah* 2, 238).

⁶⁶ Important contributions to the discussion of the meaning of the "seventy years" include, in chronological order: Kurt Galling, "Die Exilswende in der Sicht des Propheten Sacharja," *VT* 2 (1952): 18–36; Ernst Vogt, "70 Anni Exsilio," *Bib* 38 (1957): 236; C. F. Whitley, "The Term Seventy Years Captivity," *VT* 4 (1954): 60–72; Avigdor Orr, "The Seventy Years of Babylon," *VT* 6 (1956): 304–6; Whitley, "The Seventy Years Desolation—A Rejoinder," *VT* 7 (1957): 416–18; Peter R. Ackroyd, "Two Old Testament Historical Problems of the Early Persian Period," *JNES* 17 (1958): 23–27; R. Borger, "An Additional Remark on P. R. Ackroyd, *JNES*, XVII, 23–27," *JNES* 18 (1959): 74; Otto Plöger, "Siebzig Jahre," in *Aus der Spätzeit des Alten Testaments: Studien: Zu seinem 60. Geburtstag am 27.11.1970 herausgegeben von Freunden und Schülern* (Göttingen: Vandenhoeck & Ruprecht, 1970), 67–73; Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (London: Oxford, 1972), 143–46; Michael A. Knibb, "The Exile in the Literature of the Intertestamental Period," *Heythrop Journal* 27 (1976): 253–72; Christian Wolff, *Jeremia im Frühjudentum und Urchristentum* (TUGAL 118; Berlin: Akademie-Verlag, 1976), 99–101; Ross E. Winkle, "Jeremiah's Seventy Years for Babylon: A Re-assessment: Part I: The Scriptural Data," *AUSS* 25 (1987): 201–14; idem, "Part II: The Historical Data," *AUSS* 25 (1987): 289–99; Lester L. Grabbe, "The End of the Desolations of Jerusalem: From Jeremiah's 70 Years to Daniel's 70 Weeks of Years," in *Early Jewish and Christian Exegesis* (ed. Craig A. Evans; Atlanta: Scholars Press, 1987), 67–72; John Applegate, "Jeremiah and the Seventy Years in the Hebrew Bible: Inner-Biblical Reflections on the Prophet and his Prophecy," in *The Book of Jeremiah and its Reception* (eds. A. H. W. Curtis and T. Römer; BETL 128; Leuven: Leuven University Press, 1997), 91–110.

6.1. *Jer 25:11: Seventy Years of "Serving Among the Nations"*

Jeremiah 25 poses some of the most difficult exegetical challenges of the entire book of Jeremiah, largely because the form of the text differs widely between the LXX and the MT, and there are additional tensions within the passage that suggest several layers of redactional activity. The literature on the chapter is extensive,⁶⁷ and the various proposals for the development of the passage and the relationship between the LXX and MT versions of it diverge widely.⁶⁸

In both the LXX and the MT, Jer 25 occupies an important position structurally within the book—it functions as a hinge, summarizing and concluding the first half of the book (chs. 1–25) and leading into the second half (chs. 26–52).⁶⁹ Jer 25:1–14 (MT) and 25:1–12 (LXX) serve as a paraphrase of the early part of Jeremiah's prophetic ministry, up to the accession of Nebuchadnezzar (c. 605 B.C.E.).⁷⁰

The LXX version of Jer 25:1–12 probably preserves an older formulation of the prophet's words. The oracle is dated to the fourth year of Jehoiakim and the first year of Nebuchadnezzar (c. 605 B.C.E.) and the addressees are described as the people of Judah and those living in Jerusalem (vv. 1–2). The prophet bemoans the fact that he has been prophesying to the people for twenty-three years, but they have not listened to him any more than they listened to the other prophets (vv. 3–4). The content of the prophetic message has always remained the same: turn from idolatry and the worship of other gods (vv. 5–7).

Therefore, since his prophets and his word have gone unheeded, the LORD announces a new oracle of destruction: He will call for

⁶⁷ See e.g. Michael DeRoche, "Is Jeremiah 25:15–29 a Piece of Reworked Jeremianic Poetry?" *JSOT* 10 (1978): 58–67; Duane L. Christensen, "In Quest of the Autograph of the Book of Jeremiah: A Study of Jeremiah 25 in Relation to Jeremiah 46–51," *JETS* 33 (1990): 145–53; Kessler, "Jeremiah 25,1–29: Text and Context: A Synchronic Study," *ZAW* 109 (1997): 44–70; idem, "The Function of Chapters 25 and 50–51 in the Book of Jeremiah," in *Troubling Jeremiah* (ed. A. R. Pete Diamond, et al.; JSOTSup 260; Sheffield: Sheffield Academic Press, 1999), 64–72; John Hill, "The Construction of Time in Jeremiah 25 (MT)" in *Troubling Jeremiah*, 146–60; and also the literature on "seventy years," cited above.

⁶⁸ These issues will not be debated here; the reader is referred to the discussion in Holladay, *Jeremiah 1*, 664–69; and Applegate, "Jeremiah and the Seventy Years," 92–97. This study follows the approach taken by Holladay, who regards the "seventy years" of Jer 25:11 as Jeremianic (*Jeremiah 1*, 665).

⁶⁹ See Kessler, "The Function of Chapters 25 and 50–51."

⁷⁰ See e.g. John A. Thompson, *The Book of Jeremiah* (NICOT; Grand Rapids: Eerdmans, 1980), 511; and the other commentaries *ad loc.*

the nation from the North, and bring it against Judah and the surrounding nations in order to destroy them (vv. 8–10). Then “the whole land [i.e. Judah] will be a waste, and they [i.e. the Judeans] shall serve among the nations seventy years” (v. 11, LXX). Here, then, the seventy years refers to the time Israel shall “serve among the nations,” (δουλεύουσιν ἐν τοῖς ἔθνεσιν) which most naturally suggests a period of exile, but possibly a period of political subjugation.⁷¹

The following verse expands on the significance of the seventy years: “When the seventy years are fulfilled, I will judge that nation [i.e. Babylon], says the LORD, and I will make them into an everlasting disgrace” (v. 12 LXX). This verse may well be an interpretive gloss, inspired by Jer 29:10.⁷² If so, it is most natural, for one can easily see why an editor would wish to bring together the mention of seventy years as the time of Judah’s servitude (Jer 25:11) with the seventy years as the time of Babylonian dominance (Jer 29:10) into a mutually illuminating relationship, pointing out that the time periods largely coincide, and at the end of them the two nations’ fortunes will be reversed.

In the MT, another layer of interpretive glosses has been added—apparently—in order to assist the reader in understanding the specific way in which Jeremiah’s original—and somewhat non-specific—prophecy was (or would be) fulfilled.⁷³ Here, the foe from the North (v. 9) is specified as Nebuchadrezzar King of Babylon, and v. 11b reads “these nations shall serve the King of Babylon seventy years.” Whereas v. 11 LXX indicated a long period of Judean subjugation to an unspecified Gentile power, v. 11b MT includes the surrounding nations (cf. v. 9) in a period of servitude to a specific kingdom (Babylon). In v. 12, the previously undefined “nation” that would be punished at the fulfillment of the seventy years (which, grammatically,

⁷¹ It has been urged that the mention of “seventy years” in v. 11 cannot be attributed to Jeremiah, primarily because of the tension between this finite time period and the description of the punishment as “everlasting” (עולם [MT], αἰώνιον [LXX]). However, allowance should be made for prophetic hyperbole, and neither expression should be taken literalistically. Both indicate a long time, but the “seventy years” indicates the time is finite (cf. Thompson, *Jeremiah*, 513). See discussion in Applegate, “Jeremiah and the Seventy Years,” 95.

⁷² So Rudolph, *Jeremia*, ad loc., and followed by many others.

⁷³ Cf. Michael A. Fishbane, *Biblical Interpretation in Ancient Israel* (New York: Oxford, 1985), 479: “The first of the various inner-biblical reapplications of this oracle is, significantly, found in interpolations added to the Massoretic [sic] version of this prophecy.”

could have been Judah according to the LXX) is again defined as “Babylon, the land of the Chaldeans.”

Thus, an analysis of Jer 25 in its LXX and MT versions reveals a process of inner-biblical exegesis. The prophet’s original oracle was close to v. 11 LXX: Judah would serve among the nations for seventy years, indicating exile and/or political subjugation. This prophecy was later brought into relationship with a paraphrase of Jer 29:10 by the addition of v. 12 LXX, pointing out that the duration of Babylon’s ascendancy was more or less concurrent with the period of Israel’s oppression, and the fortunes of both would be reversed in the end. In the MT edition, the unspecified “nation from the north” is defined clearly as Babylon under Nebuchadnezzar.

6.2. *Jer 29:10: Seventy Years “for Babylon”*

The textual situation in Jer 29 is somewhat better than that of Jer 25, although the passage still poses challenges.⁷⁴ The chapter claims to represent a letter sent by Jeremiah to the exiles in Babylon some time not long after the first deportation (c. 597 B.C.E.; vv. 1–3).⁷⁵ In the letter Jeremiah relates an oracle of the LORD to the effect that the exiles should settle down, marry, procreate, and live in peace wherever they find themselves (vv. 5–8). Jeremiah warns against the false prophets who predict a quick return from the exile (vv. 8–9). The return will not be soon; rather, “only when Babylon’s seventy years are completed shall I deal with you and perform my words to bring you back to this place” (v. 10 LXX).⁷⁶ The “seventy years” here,

⁷⁴ Important contributions to the study of Jer 29 include, in chronological order: Meindert Dijkstra, “Prophecy by Letter (Jeremiah XXIX 24–32),” *VT* 33 (1983): 319–21; Holladay, “God Writes a Rude Letter (Jeremiah 29:1–23),” *BA* 46 (1983): 145–46; Adele Berlin, “Jeremiah 29:5–7: A Deuteronomic Allusion,” *HAR* 8 (1984): 3–11; Daniel L. Smith, “Jeremiah as Prophet of Non-Violent Resistance,” *JSTOT* 43 (1989): 95–107; Gerhard Büsing, “Ein alternativer Ausgangspunkt zur Interpretation von Jer 29,” *ZAW* 104 (1992): 402–8; Klaas A. D. Smelik, “Letters to the Exiles: Jeremiah 29 in Context,” *SJOT* 10 (1996): 282–95.

⁷⁵ That there was any such letter and that Jer 29 reflects its contents has been disputed (e.g. Smith, “Non-Violent Resistance”), but unconvincingly. See Applegate, “Jeremiah and the Seventy Years,” 96–97, and Holladay, *Jeremiah* 2, 139.

⁷⁶ The authenticity of this verse has been challenged on the basis that to predict a return in the “comparatively short” period of seventy years would undermine Jeremiah’s instructions to settle down in the exile (vv. 4–9; see Whitley, “The Term Seventy Years Captivity,” 65; Smith, “Non-Violent Resistance,” 96, and scholars cited therein.) No cogency can be attributed to this argument. It cannot be conceded to Whitley that “seventy years”—practically a “life sentence” (cf. Ps. 90:10)—was

as in Jer 25:11, are a round number,⁷⁷ approximately three generations (cf. Jer 27:7) or one complete lifetime.⁷⁸ Although it would be easy to assume that the “seventy years” commence with the writing of the letter,⁷⁹ the text does not specify when the time period began, and the fact that Jeremiah has spoken of a seventy-year period almost a decade previously (25:11) leaves open the possibility that the “seventy years for Babylon” are already in progress. Regardless, the message to the exiles is clear: the present generation will not live to see the return from the exile.⁸⁰ Thus the emphasis on marriage and procreation (v. 6). The hope for continued survival of Judah rests with the second or (more likely) the third generation.

6.3. General Comments on “The Seventy Years”

It can be seen that Jeremiah’s “seventy years” has a slightly different meaning in each context in which it appears. In Jer 25:11 LXX it is the time of Judah’s subjugation to the nations; in 25:12 the time until “that nation” (Babylon in MT) is punished. In Jer 25:11 MT it becomes the time of service of all the nations of the Levant to the King of Babylon; in Jer 29:10 it is a period of Babylonian hegemony. Of course, all these meanings are inter-related.

There has been no lack of proposals for the historical fulfillment of the “seventy years.”⁸¹ The fall of Babylon (c. 539 B.C.E.), or the actual return of the exiles some years later,⁸² is usually proposed for

a “comparatively short” period of time for the exiles, nor that the command to settle down and multiply (vv. 4–9) necessarily implies Jeremiah believed the exile would be permanent. The span of “seventy years” would be a clear indication to the adult recipients of Jeremiah’s letter that for them, the exile would be permanent: their generation would die before the LORD restored them to their land (Smelik, “Letters to the Exiles,” 291). Therefore, their only hope for the future of their nation lay in raising up a large and prosperous second (and third) generation; thus, the commands to marry and procreate (vv. 4–9). While conceivably the authenticity of various parts of the letter may be challenged on other grounds, there is no conflict between the comparatively long period of “seventy years” and the commands to settle down in Babylon. On this, see most recently Benjamin D. Sommer, “New Light on the Composition of Jeremiah,” *CBQ* 61 (1999): 662–63.

⁷⁷ Ackroyd, “Historical Problems,” 26; Plöger, “Siebzig Jahre,” 67; Holladay, *Jeremiah* 1, 669; and scholars cited therein.

⁷⁸ Cf. Ps. 90:10, Judg 1:7; 1 Sam 6:19; 2 Sam 24:15.

⁷⁹ Assumed by Ackroyd, “Historical Problems,” 24, and many others.

⁸⁰ So Smelik, “Letters to the Exiles,” 291.

⁸¹ A good overview of the debate can be found in Applegate, “Jeremiah’s Seventy Years,” 92–93.

⁸² Cf. Grabbe, “End of the Desolations,” 67.

the end of the period, but suggestions for its beginning include the fall of Nineva (c. 612 B.C.E.), yielding 73 years;⁸³ the conquest of the last Assyrian resistance (c. 609 B.C.E.), yielding 70 years;⁸⁴ or the assertion of Babylonian power over the Levant (c. 605 B.C.E., the date given in Jer 25:1–3),⁸⁵ which gives 66 years, or nearly 70 if a few years are allowed for the return from exile. Other scholars dispute the fall of Babylon as the terminal date, and calculate the “seventy years” from the destruction of the first temple (c. 586 B.C.E.) to the dedication of the second (c. 516 B.C.E.).⁸⁶

There has also been no lack of challenges to the authenticity of Jer 25:11 and 29:10. C. F. Whitley, for example, argues that the “seventy years” originated as an exact calculation of the time between the destruction and rebuilding of the temple (586–516 B.C.E.) and was later retrojected into the Jeremianic tradition.⁸⁷ However, in no passage of Jeremiah in any extant version can the “seventy years” be made to correspond with period of the temple’s destruction. Following Holladay, the prophecy of “seventy years” should be regarded as Jeremianic, based on the following evidence: (1) there are no obvious exact matches for dates corresponding to the “seventy years” as described in any passage of Jeremiah, which speaks for authenticity,⁸⁸ (2) external evidence suggests Jeremiah was widely remembered for having made this prophecy,⁸⁹ (3) “seventy years” seems to be a prophetic trope for the length of a god’s punishment of a land or city, as indicated by its occurrence in other biblical and ancient Near Eastern texts.⁹⁰

⁸³ Suggested as a possibility by Thompson, *Jeremiah*, 514.

⁸⁴ So Winkle, “Jeremiah’s Seventy Weeks.”

⁸⁵ So Orr, “Seventy Years of Babylon,” and others.

⁸⁶ It should be noted that to try to determine the dates indicated by Jeremiah’s “seventy years” makes sense only if one either believes in divine providence or that Jer 25:11–12 and 29:10 are *vaticinia ex eventu*. If one believes in neither of these things, then Jeremiah’s prophecy of “seventy years” was merely a vague guess that coincidentally can be made to fit to some appropriate dates.

⁸⁷ Cf. Whitley, “The Term Seventy Years Captivity,” esp. 64–65.

⁸⁸ Holladay, *Jeremiah 1*, 665: “A redactor would be more likely to frame a *vaticinium ex eventu*.” See also Sommer, “New Light,” 662; and discussion in Fishbane, *Biblical Interpretation*, 480.

⁸⁹ Applegate, “Jeremiah and the Seventy Years,” esp. 108–9.

⁹⁰ Cf. Isa 23:15–17; Vogt, “70 Anni Exsili,”; Borger “Additional Note”; D. D. Luckenbill, “The Black Stone of Esarhaddon,” *AJS* 42 (1924–5): 167; Weinfeld, *Deuteronomistic School*, 143–46; Fishbane, *Biblical Interpretation*, 480.

It seems likely that the intention of the prophet in using the term “seventy years” was to indicate that the period of Babylonian hegemony and Judean subjugation would last a long but finite period of time, about the length of an average lifespan, as was appropriate for the punishment of a city-state. Because the prophecy taken literally turned out to be approximately correct, it was celebrated in later biblical and extra-biblical literature. While originally Jeremiah’s “seventy years” had nothing to do with the jubilee or sabbatical year,⁹¹ it will be seen below that it becomes prophetically conflated with them in later biblical (e.g. 2 Chron 36, Dan 9) and extra-biblical (11QMelchizedek) writings.

7. Summary

This chapter has investigated possible allusions, references, and texts pertinent to the jubilee in the Deuteronomistic History and Jeremiah. While no weight can be placed on the possible portrayal of the temple dedication in the 500th year following the exile (1 Kings 6–9), it was found that the account of Naboth’s vineyard (1 Kings 21:1–18) is evidence for the principle of inalienable patrimonial land in pre-exilic Israel, and Isaiah’s oracle of salvation during Sennacherib’s siege of Jerusalem (2 Kings 19:29) seems to command a two-year fallow possibly corresponding to the seventh sabbatical and jubilee years. Jer 32:1–15 does not describe a jubilee year, but provides evidence for the pre-exilic functioning of the *go’el* legislation and the early use of the concept of “redemption” (*ge’ulla*) as a symbol for the return from exile. Jer 34:8–22, on the other hand, describes an *ad hoc* release of slaves in the last years before the destruction of Jerusalem in terms heavily influenced by Deut 15, but more subtly by Lev 25 as well. The prophecies of “seventy years” for Israel’s subjugation (Jer 25:11) or Babylon’s supremacy (Jer 25:12, 29:10) originally had no relationship to the sabbatical or jubilee years, but will become significant to the subject in later texts.

⁹¹ Grabbe suggests that Jeremiah’s seventy years were thought of as ten sabbatical cycles (“The End of the Desolation,” 68; cf. Pierre Grelot, “Soixantes-dix semaines d’années,” *Bib* 50 (1969): 171) but there is no evidence to support attributing that conception to the prophet himself.

CHAPTER SEVEN

THE JUBILEE IN THE LATTER PROPHETS

This chapter will examine texts pertinent to the jubilee in Ezekiel and Isaiah. Ezekiel will be examined first, because its prophecies seem suited for the mid-exilic period; the texts alluding to the jubilee in Isaiah (with the exception of Isa 37:30 [= 2 Kgs 19:29], examined above) stem from the second and third parts of the book, which address the period of the return from exile.

1. *The Jubilee in Ezekiel*

1.1. *Introductory Comments on Ezekiel*

The close relationship between Ezekiel and the Holiness Code has long been recognized by critical scholarship.¹ Therefore, of all the prophets, Ezekiel would seem to be the most likely to make references to the jubilee; and indeed he does, as shall be seen.

The relationship between Ezekiel and H poses a potential challenge for the early dating of Lev 25, advocated above, because traditionally Ezekiel has been regarded as prior to, and indeed the fountainhead of, H and the Priestly school in general.² If the literary relationship between Ezekiel and H is such as to clearly indicate Ezekiel's priority, it would call into question the approach taken in this study. However, such is not the case: it is possible to explain all the evidence of literary dependency between H and Ezekiel in terms of Ezekiel's use of H; in fact, numerous studies have already done this.³

¹ Already noted by Karl Heinrich Graf, *Die Geschichtlichen Bücher des Alten Testaments* (Leipzig: T. O. Weigel, 1866), 81; August Klostermann, "Beiträge zur Entstehungsgeschichte des Pentateuchs," *Zeitschrift für lutherische Theologie und Kirche* 38 (1877): 401–45; Rudolf Smend, *Der Prophet Ezechiel* (Kurzgefasstes exegetisches Handbuch zum Alten Testament; Leipzig: S. Hirzel, 1880), xxv–xxvii; and L. Horst, *Leviticus xvii–xxvi und Hezekiel. Ein Beitrag zur Pentateuchkritik* (Colmar: Eugen Barth, 1881).

² Julius Wellhausen, *Prolegomena to the History of Israel* (Edinburgh: A. & C. Black, 1885; repr. Atlanta: Scholars Press, 1994), 107 *et passim*.

³ Most notably by Klostermann, "Beiträge," and H. Graf Reventlow, *Das Heiligtumsgebot formgeschichtlich untersucht* (WMANT 6: Neukirchen-Vluyn: Neukirchener,

Some of the most recent treatments of the issue suggest that there are literary, rhetorical, and theological reasons for regarding H as prior to Ezekiel. Worthy of mention is the work of Risa Levitt Kohn, who points out that terminology used with a positive connotation in the “Priestly source” (which, for Levitt Kohn, includes both P and H) is often used in negative contexts in Ezekiel.⁴ An example is the phrase *ריח ניחוח*, “a pleasing odor,” which in P and H describes sacrifices offered to the LORD, whereas in Ezekiel it is applied only to pagan practices.⁵ Likewise, terminology used to describe the tabernacle in P/H is applied in Ezekiel to a Tyrian ship.⁶

Levitt Kohn goes on to demonstrate that it is much easier to explain the theological and literary transformations of Ezekiel’s reuse of P/H than of P/H’s reuse of Ezekiel. If P/H precedes Ezekiel, then Ezekiel is borrowing from Israel’s ancient legal-covenantal traditions in order to rebuke Judah for her apostasy, at times twisting the language in shocking and ironic ways to heighten his rhetorical effect.⁷ In chs. 40–48, he issues new laws for a restored Israel/Judah which are structurally similar but differ in detail from what he views as the failed laws of the Mosaic torah, described at one point as “no-good laws” (Ezek 25:20).⁸ All this is reasonable and in keeping with the character of the prophet and his writing.

1961), esp. 30; but also see Horst, *Leviticus*, who regards Ezekiel himself as having compiled Lev 17–26 from pre-existent documents; L. E. Elliot-Binns, “Some Problems of the Holiness Code,” *ZAW* 67 (1955): 26–40, who similarly argues that Lev 17–26 was available to Ezekiel, though as independent texts.

⁴ So Risa Levitt Kohn, “A New Heart and a New Soul: Ezekiel, the Exile and the Torah,” (Ph.D. Dissertation; University of California, San Diego, 1997); eadem, “Ezekiel, the Exile, and the Torah,” *SBL 1999 Seminar Papers* (1999): 501–26; eadem, “A Prophet Like Moses? Rethinking Ezekiel’s Relationship to the Torah,” *ZAW* 114 (2002): 236–54; eadem, *A New Heart and a New Soul: Ezekiel, the Exile, and the Torah* (JSOTSup 358; Sheffield: Sheffield Academic Press, 2002).

Of particular importance for the relationship of H and Ezekiel is Milgrom’s short but persuasive study, “Leviticus 26 and Ezekiel,” in *The Quest for Context and Meaning: Studies in Biblical Intertextuality in Honor of James A. Sanders* (eds. Craig A. Evans and Shemaryahu Talmon; Leiden: Brill, 1997), 57–62; see also idem, *Leviticus 17–22: A New Translation with Introduction and Commentary* (AB 3a; New York: Doubleday, 2000), 1362.

⁵ See Levitt Kohn, “Ezekiel, Exile, Torah,” 503; cf. Ezek 6:13, 19; 20:28, 41.

⁶ Levitt Kohn, “Ezekiel, Exile, Torah,” 507.

⁷ Levitt Kohn, “Ezekiel, Exile, Torah,” 507–9.

⁸ Levitt Kohn, “Ezekiel, Exile, Torah,” 513. On Ezekiel’s critique of the Mosaic law, see Scott Walker Hahn and John Sietze Bergsma, “What Laws Were Not Good? A Canonical Approach to the Theological Problem of Ezekiel 20:25–26,” *JBL* 123 (2004): 201–18.

However, if Ezekiel precedes H, one has to explain why, on the one hand, H is so devoted to Ezekiel that it "on every side . . . condenses or encapsulates diction that is virtually pervasive in Ezekiel,"⁹ yet rejects all the specific details of Ezekiel's laws in 40–48;¹⁰ omits Ezekiel's theology of the Davidide,¹¹ temple,¹² and Zion;¹³ shows no trace of Ezekiel's Aramaisms,¹⁴ Akkadianisms,¹⁵ and D-influenced language and thought;¹⁶ and adds polemics against Canaanites which would be quite anachronistic in the exilic and post-exilic period.¹⁷ Such an explanation may be possible, but in our opinion would be difficult to maintain.

The differences between H and Ezekiel are every bit as dramatic as their similarities,¹⁸ which in our opinion rules out the theories that Ezekiel is the fountainhead of the priestly literature, or that their mutual influence stems from the same or closely related "schools" as per Zimmerli,¹⁹ Rudolf Kilian,²⁰ and others. If Ezekiel and H are read as roughly contemporaneous, it must be concluded that they or their "schools" were in bitter conflict on central theological issues.²¹ Nevertheless, the close literary relationship is undeniable. We suggest,

⁹ Baruch A. Levine, "The Epilogue to the Holiness Code: A Priestly Statement on the Destiny of Israel," in *Judaic Perspectives on Ancient Israel* (ed. Jacob Neusner et al.; Philadelphia: Fortress Press, 1987), 30.

¹⁰ Pointed out by Menahem Haran, "The Law-Code of Ezekiel XL–XLVIII and its Relation to the Priestly School," *HUCA* 50 (1979): 45–71, esp. 62.

¹¹ Cf. Ezek 17:22–24; 34:23; 37:24; and esp. Ezek 34:24 with Lev 26:12–13, in which Ezekiel reworks the verses of the Holiness Code to include "David" and "my holy hill" (= Zion), as pointed out by Milgrom, "Leviticus 26 and Ezekiel," 58. See also Walther Zimmerli, *Ezekiel 1* (trans. R. E. Clements; Hermeneia; Philadelphia: Fortress, 1983), 41.

¹² Cf. Ezek 40–48; and Zimmerli, *Ezekiel 1*, 41.

¹³ On the theology of Zion see Ezek 5:5; 17:23; 20:40; 40:2; Zimmerli, *Ezekiel 1*, 41.

¹⁴ On Ezekiel's Aramaisms see M. Wagner, *Die lexikalischen und grammatikalischen Aramaismen im alttestamentlichen Hebräisch* (BZAW 96; Berlin: Töpelmann, 1966), 140–41.

¹⁵ On Ezekiel's Akkadianisms see S. P. Garfinkel, *Studies in Akkadian Influences in the Book of Ezekiel* (Ann Arbor: University Microfilms, 1983).

¹⁶ On D influence on Ezekiel see Levitt-Kohn, "Ezekiel, Exile, Torah," 509–11; cf. Zimmerli, *Ezekiel 1*, 46; Milgrom, *Leviticus 17–22*, 1385–86.

¹⁷ Canaanites are never mentioned in Ezekiel, but cf. Lev 18:3–4, 20:23; Zimmerli, *Ezekiel 1*, 48; and esp. Lev 18:3–4 with Ezek 11:12, as pointed out by Milgrom, "Leviticus 26 and Ezekiel," 59.

¹⁸ See Zimmerli, *Ezekiel 1*, 48–52.

¹⁹ Zimmerli, *Ezekiel 1*, 52.

²⁰ Rudolf Kilian, *Literarkritische und formgeschichtliche Untersuchung des Heiligkeitgesetzes* (BBB 19; Bonn: Hanstein, 1963), 185.

²¹ E.g. the role of the Davidide, Zion, and the temple, of which H says nothing.

therefore, that they be read diachronically: H reflects a period before the influence of the Davidic monarchy on priestly theology; Ezekiel a period after it. Ezekiel draws on H's traditional language and concepts, but also those of D, DtrH, and the pre-exilic prophets, whose influence H does not reflect.²²

Concerning the integrity, authenticity, and dating of Ezekiel, older scholarship was quite pessimistic about the relationship of the book to the prophet himself, preferring to attribute large parts of it to later redactors,²³ or to consider the entire text a late pseudepigraph.²⁴ Much recent scholarship, however, is quite comfortable dating the book within the confines of the exilic period and attributing much or most of it to Ezekiel.²⁵ There are no serious reasons for doubting the authenticity of the individual texts that will be examined below, and those particular lines or phrases in them which may be suspect will not affect the substance of our argument.

²² Again, it is difficult to explain these data on the assumption of the posteriority of H. If H draws on Ezekiel, why is it not representative of all of Ezekiel's theology? Why does it only reflect the "H" aspects of Ezekiel, and not also the "D" aspects, the Davidism, Zionism, etc. On the other hand, all of H's theology is represented in Ezekiel, but expanded with these other streams of Israelite tradition.

²³ E.g. G. Hölscher, *Hesekiel: der Dichter und das Buch* (BZAW 39; Giessen: Töpelmann, 1924).

²⁴ E.g. C. C. Torrey, *Pseudo-Ezekiel and the Original Prophecy* (New Haven: Yale University Press, 1930). Torrey's thesis is updated by Joachim Becker, "Erwägungen zur ezechielschen Frage," in *Künder des Wortes: Beiträge zur Theologie der Propheten* (ed. L. Ruppert et al.; Würzburg: Echter, 1982), 137–49.

²⁵ As noted by Levitt Kohn, "Ezekiel, Exile, Torah," 501. Cf. Walther Zimmerli, "The Special Form- and Traditio-historical Character of Ezekiel's Prophecy," *VT* 15 (1965): 515–16; Laurence Boadt, *Ezekiel's Oracles against Egypt* (BibOr 37; Rome: Pontifical Biblical Institute, 1980); Bernhard Lang, *Kein Aufstand in Jerusalem: Die Politik des Propheten Ezechiel* (Stuttgarter Biblische Beiträge; Stuttgart: Katholisches Bibelwerk, 1981); Zimmerli, *Ezekiel 1*, 68–73; Moshe Greenberg, *Ezekiel 1–20* (AB 22; New York: Doubleday, 1983), 18–27; idem, "What Are Valid Criteria for Determining Inauthentic Matter in Ezekiel?" in *Ezekiel and His Book* (ed. J. Lust; Leuven: Leuven University Press, 1986), 123–35; Terence Collins, *The Mantle of Elijah: The Redactional Criticism of the Prophetic Books* (The Biblical Seminar 20; Sheffield: Sheffield Academic Press, 1993), 91–93; E. F. Davis, *Swallowing the Scroll: Textuality and the Dynamics of Discourse in Ezekiel's Prophecy* (JSOTSup 78; Sheffield: Sheffield Academic Press, 1989); Leslie C. Allen, *Ezekiel 1–19* (WBC 28; Dallas: Word, 1986); idem, *Ezekiel 20–48* (WBC 29; Dallas: Word, 1990); Daniel I. Block, *The Book of Ezekiel: Chapters 1–24* (NICOT; Grand Rapids: Eerdmans, 1997), 17–23. For a review of scholarship before 1992, see K. P. Darr, "Ezekiel Among the Critics," *CR* 2 (1992): 9–24.

1.2. *Incidental References*

There are a several incidental references to the jubilee legislation scattered in Ezekiel which are useful to enumerate in order to build the case for the prophet's familiarity with the institution.

The first of these is Ezek 7:12–13. Here, in an oracle of disaster concerning the coming day of the LORD, the prophet announces several woes, among them the following:

בֹּא הַעַת הַנִּיעַ הַיּוֹם¹²
 הַקּוֹנֶה אֶל־יִשְׁמָח וְהַמוֹכֵר אֶל־יִתְאָבֵל
 כִּי חָרוֹן אֶל־כָּל־הַמּוֹנֶה
 לִכִּי הַמוֹכֵר אֶל־הַמִּמְכָּר לֹא יָשׁוּב וְעוֹד בַּחַיִּים חֵתֶם¹³
 כִּי־חֹזֶן אֶל־כָּל־הַמּוֹנֶה לֹא יָשׁוּב וְאִישׁ בַּעֲוֹנוֹ חֵתֵּו לֹא יִתְחַזֵּק

¹²The time has come, the day has drawn near:

Let not the buyer rejoice, nor the seller mourn,

For wrath is upon the whole multitude;

¹³Moreover the seller shall not return to what is sold while they are still alive,

(For the vision applies to the whole multitude)

He shall not return—

And because of his guilt, no one shall hold fast to his life.

The prophet here proclaims that the usual emotions associated with business transactions are rendered irrelevant, because the coming destruction will engulf everyone (v. 12). The seller will never be able to recover his property no matter how long he lives, and in fact, each person's very life is threatened (v. 13).

At least since Jerome this verse has been recognized as a reference to the laws of jubilee, although some commentators have considered the relationship dubious.²⁶ It is pertinent that the word מִמְכָּר, "property for sale," occurs—in biblical literature earlier than Ezekiel—only in Deut 18:8 (once) and Lev 25, where it occurs *seven times* (25:14, 25, 27, 28, 29, 33, 50), leading Moshe Greenberg to conclude

²⁶ Jerome, *Comm. Ezech.*, ad loc.; so also David Kimchi, *Commentary on Ezekiel*, ad loc.; noted by G. A. Cooke, *A Critical and Exegetical Commentary on the Book of Ezekiel* (ICC; Edinburgh: T. & T. Clark, 1936), 80; affirmed by Block, *Ezekiel*, 259–60 (vs. 13 is a "grim parody" of the jubilee legislation); Greenberg, *Ezekiel*, 150; Isaac Schiffmann, "Die Grundeigentumsverhältnisse in Palästina in der Ersten Hälfte des 1. Jahrtausends v. u. Z.," in *Wirtschaft und Gesellschaft im Alten Vorderasien* (eds J. Harmatta and G. Komoróczy; Budapest: Akadémiai Kiadó, 1976), 467; denied by Robert G. North, *Sociology of the Biblical Jubilee* (AB 4; Rome: Pontifical Biblical Institute, 1954), 41.

“[v. 13a] is an idiom borrowed directly from the jubilee laws (cf. Lev 25:28).”²⁷ Moreover, the plain sense of v. 13a implies that under normal circumstances a seller would return to his sold property during his lifetime; this is precisely what would be the case under the jubilee laws. Therefore, Isaac Schiffmann comments:

Es scheint uns unzweifelhaft, daß es sich hier um das Aufhören des Jubiläums in einer besonders schweren Situation handelt. Vor der Katastrophe, die Hesekiel beschreibt, war das Jubiläum eine Realität, und sein Ende betrachtete man als ein großes Unglück für die Gesellschaft.²⁸

Schiffmann’s position is appealing, but represents a maximal interpretation of the passage. While Ezek 7:13 *may* refer to the cessation of the observance of the jubilee, a more modest conclusion is that the author is familiar with language from the jubilee legislation (specifically Lev 25:28) and the redemption of property was practiced regularly enough in his day that under normal circumstances one could expect to return to one’s land within one’s lifetime.²⁹

A little later in the book of Ezekiel another reference to the redemption laws occurs. In the aftermath of the deportation of 597 B.C.E., the prophet addresses himself to the population remaining in Jerusalem, who are interpreting the exile as divine judgment on the deportees, and as justification for the seizure of their abandoned property. Amid oracles of woe against this unrighteous remnant (Ezek 11:5–13) the LORD speaks to Ezekiel:

וַיְהִי דְבַר-יְהוָה אֵלַי לֵאמֹר
בְּרָאדָם אֲחִיךָ אֲחִיךָ אֲנֹשִׁי נֹאֲלַתְךָ וְכָל-בֵּית יִשְׂרָאֵל¹⁵
כֹּלָה אֲשֶׁר אָמְרוּ לָהֶם יֹשְׁבֵי יְרוּשָׁלַם
רַחֲקוּ מֵעַל יְהוָה לֵנוּ הִיא נִתְּנָה הָאָרֶץ לְמוֹרָשָׁה

¹⁴Then the word of the LORD came to me:

¹⁵ “O mortal, [I will save] your brothers, your brothers, the men of your kindred, all of that very House of Israel to whom the inhabitants of Jerusalem say, ‘Keep far from the LORD; the land has been given as a heritage to us.’” (NJPS)

²⁷ Greenberg, *Ezekiel*, 150.

²⁸ Schiffmann, “Grundeigentumsverhältnisse,” 467.

²⁹ Cf. Greenberg, *Ezekiel*, 150.

What is of present relevance is the term Ezekiel uses to describe his kin: **אֲנָשֵׁי נִאֲלֻתְךָ**, “your redemption-men.” Outside of this passage, the word **נִאֲלָה** “redemption,” occurs twice in Ruth 4, twice in Jer 32, and *nine times* in Lev 25 (vv. 24, 26, 29 [bis], 31, 32, 48, 51, 52). One cannot prove dependency on the Holiness Code, since it occurs elsewhere, but the term is certainly one very much at home in the jubilee legislation.³⁰

Two things are relevant about Ezekiel’s use of the term in this context: first, that the practice of redemption is significant enough in Ezekiel’s social context that one’s kin group may be described simply as “redemption-men”; second, that reference is made to the practice of redemption amid controversy over the relationship of the exiles to the land of Israel. In some ways Ezekiel’s mention of redemption here is similar to the situation in Jer 32 examined above: the exile has posed a challenge to the divine promise of perdurance on the land implicit in the ancient laws of redemption. Has the LORD revoked this promise in the case of those exiled to Babylon? Both Ezekiel (vv. 16–21) and Jeremiah (32:36–44) answer “No!” The LORD will restore his people to their land, and the laws of redemption will operate once again. Comparison of Ezek 11:16–21 and Jer 32:36–44 reveals striking similarities of thought concerning the nature of the coming restoration.

Thus, in Ezek 11, as in Jer 32, one can see the initial stages of the process whereby the concept of “redemption” and a “redeemer”—for which the only biblical laws are found in Lev 25—become associated with return from exile and the restoration of Israel.

Besides Ezek 7:12–13 and 11:15, there are other passages in the book that make fleeting reference to the specific legislation of Lev 25. For example, in Ezek 18, the prophet contrasts the behavior of the righteous and unrighteous man. Among the litany of characteristics of the righteous, taken largely from the Holiness Code, is this:

בְּנֶשֶׁךְ לֹא־יִתֵּן וְהִרְבִּיתָ לֹא יִקַּח^{18:8}

⁸he has not lent at advance interest or exacted accrued interest . . . (NJPS)

Essentially synonymous phrases recur in 18:13, 17; and 22:12. This seems to be a clear reference to Lev 25:36–37, the only other verses

³⁰ Greenberg comments that **אֲנָשֵׁי נִאֲלֻתְךָ** means “the kinsman duty-bound to redeem you and your property if you are reduced to alienating them; Lev 25:25–55. The term fits the context in which rights in an inheritance are at issue.” (*Ezekiel*, 189.)

in the Hebrew Bible where נשך and תרביית occur together with the verbs לקח and נתן.³¹

³⁵וכי־ימוך אחיך ומטה ידו עמך והחזקת בו נר ותושב וחי עמך:

³⁶אל־תקח מאתו נשך ותרביית ויראת מאלהיך וחי אחיך עמך:

³⁷אח־כספך לא־תתן לו בנשך ובתרביית לא־תתן אכלך:

³⁵If your kinsman becomes poor, and comes under your authority, support him like a resident alien and let him live with you. ³⁶Do not take from him either accrued or advance interest: fear your God and let your kinsman live with you. ³⁷As for money, don't give to him at accrued interest, and at advance interest do not give him your food.

Another reference to the legislation of the jubilee occurs in Ezek 34, where the prophet delivers an oracle rebuking the “shepherds” of Israel for their abuse of the “flock.” Among the sins with which Ezekiel charges them are these:

⁴את־הנחלות לא זקתם ואת־החולה לא־רפאתם

ולנשברת לא חבשתם ואת־הנדחת לא השבתם

ואת־האכזר לא בקשטם

ובחזקה רדיתם אתם ובכרך

⁴You have not sustained the weak or healed the sick,
bandaged the injured, brought back the strayed,
or looked for the lost,
but *with violence you have ruled over them with harshness.*

This last phrase—the idiom “to rule over with harshness” (רדה בכרך)—occurs in the Hebrew Bible only here (Ezek 34:4) and three times in Lev 25 (vv. 43, 46, 53), where the Israelites are repeatedly warned not to “rule over” a brother Israelite “with harshness.” Ezekiel seems to be rebuking the leaders of Israel for violating the traditional laws prohibiting slavery (e.g. 1 Kgs 5:13–18; 12:4, 14, 18; Jer 34:8–22) as formulated in the language of the Holiness Code (i.e. Lev 25).

The final and clearest passing reference to the jubilee legislation in Ezekiel also occurs in a context concerning the oppression of the Israelites by their rulers. This time, however, the prophet is not delivering oracles of woe to the Israelite aristocracy, but instituting laws designed to prevent such oppression from recurring. In the middle

³¹ The only other passage in the Hebrew Bible where נשך and תרביית occur together is Prov 28:8, but the verbs לקח and נתן are lacking.

of his vision of Israel restored (chs. 40–48), Ezekiel issues some regulations governing the operation of the monarchy (Ezek 46:1–18). Among these are rules for the inheritance of crown lands:

כִּהְדַּאֲמַר אֲדֹנָי יְהוִה כִּי־יִתֵּן הַנָּשִׂא מִתְּנָה לְאִישׁ מִבְּנָיו נָחֻלָּהוּ¹⁶
 הִיא לְבָנָיו תְּחִיָּה אֲחֻזָּתָם הִיא בְּנַחֲלָה: ¹⁷וְכִי־יִתֵּן מִתְּנָה מִנְּחֻלָּתוֹ
 לְאֶחָד מִעַבְדָּיו וְהָיְתָה לוֹ עַד־שְׁנַת הַדְּרֹר וּשְׁבַת לְנָשִׂא אֶךְ
 נָחֻלָּתוֹ בָּנָיו לְהֵם תְּחִיָּה: ¹⁸וְלֹא־יִקַּח הַנָּשִׂא מִנְּחֻלַּת הָעָם
 לְחֻזָּתָם מֵאֲחֻזָּתוֹ יִנְחַל אֶת־בְּנָיו לְמַעַן אֲשֶׁר לֹא־יִפְצָו
 עַמִּי אִישׁ מֵאֲחֻזָּתוֹ:

¹⁶Thus says the Lord God: If the prince gives a gift to any of his sons, it shall be from his own property; it will be his sons' possession as an inheritance. ¹⁷If he gives a gift from his inheritance to one of his servants, it will be his [servant's] until the year of release, and then return to the prince; for his inheritance is really his sons—it must be theirs.

¹⁸The prince is not to take [anything] from the inheritance of the people, so as to deprive them of their possession. From his own inheritance he will endow his sons, in order that my people may not be dispersed, each away from his possession.

This passage draws on the language and principles of Lev 25.³² The prophet refers to שְׁנַת דְּרֹר, the “year of release.” The only candidate for such a “year of release” in biblical literature is the jubilee of Lev 25:10, where the word דְּרֹר makes its only appearance in the Pentateuch. In addition, the above passage is clearly concerned with the return (שׁוֹב) of real estate “holdings” (אֲחֻזָּה)³³ and both terms figure prominently in the jubilee legislation.³⁴ The hiphil of נָחַל, translated above “to deprive” (v. 18), occurs elsewhere in Scripture only

³² So *Seder Olam*, Kimchi, Rashi, Jan Van Goudoever, *Biblical Calendars* (Leiden: Brill, 1959), 84–86; Moshe Weinfeld, *Social Justice in Ancient Israel and the Ancient Near East* (Jerusalem: Magnes/Minneapolis: Fortress, 1995), 55; Gnana Robinson, “Das Jubel-Jahr: Die Lösung einer sozial-ökonomischen Krise des Volkes Gottes,” in *Emten, was man sät: Festschrift für Klaus Koch zu seinem 65. Geburtstag* (ed. Dwight R. Daniels et al.; Neukirchen-Vluyn: Neukirchener Verlag, 1991): 480; Zimmerli, *Ezekiel* 2 (trans. James D. Martin; ed. Paul D. Hanson with Leonard Jay Greenspoon; Hermeneia; Philadelphia: Fortress, 1983), 496–97; Eli Ginzberg “Studies in the Economics of the Bible,” *JQR* n.s. 22 (1931–32): 366 n. 35; Jon D. Levenson, *Theology of the Program of Restoration of Ezekiel 40–48* (HSM 10; Missoula, Mont.: Scholars Press, 1976), 24 n. 56; Allen, *Ezekiel 20–48*, 229; Block, *Ezekiel 25–48* (NICOT; Grand Rapids: Eerdmans, 1998), 680; A. Van Selms, “Jubilee,” *IDBSup*, 496; Greenberg, “The Design and Themes of Ezekiel’s Program of Restoration,” *Int* 38 (1984): 190–98.

³³ Cf. Block, *Ezekiel*, 680.

³⁴ For שׁוֹב, cf. Lev 25:10, 13, 42; 27:24; for אֲחֻזָּה, cf. Lev 25:10, 13, 24, 25, 27, 28, 32, 33 (bis), 34, 41, 45, 46; 27:16, 21, 22, 24, 28.

in Lev 25 (twice) in warnings not to “wrong” a fellow Israelite in a land transaction (Lev 25:14, 17). Thus, the language of the pericope clearly points to Lev 25 and the jubilee rather than, for example, the שמיטה year of Deut 15.³⁵

Not only the language but also the assumed principles of Ezek 46:16–18 show dependence on the jubilee laws. Patrimonial land is ultimately inalienable (cf. Lev 25:23–24), both for the prince (v. 18) and for the people (v. 17). The “year of release” serves to restore the patrimonial land on a recurring basis (v. 17).³⁶ The LORD is personally concerned that his people not be dispossessed of their land (v. 18, cf. Lev 25:23–24).

Significantly, Ezekiel assumes his readers know what the שנת דרור is and how it operates; he simply mentions it offhandedly, in passing: “*the year of release* is referred to here as an established institution needing no comment.”³⁷ He gives no instructions as to the length of the period between its observances, how and when during the year it is to be enacted, or the legal mechanics for buying and selling land in the meantime:

[I]n diesem wohl in der Exilszeit entstanden Gesetze [wird] diese Institution ganz selbstverständlich vorausgesetzt. Nichts deutet daraufhin, daß sie hier erst durchgekämpft werden müßte.³⁸

On the supposition that the Holiness Code is prior to Ezekiel, this makes perfect sense: he need not spell out the regulations for the שנת דרור because they were already extant (Lev 25). The reverse scenario, that the Holiness Code is subsequent to Ezekiel, is difficult to explain.³⁹ The Holiness Code would then be fleshing out an insti-

³⁵ See discussion in Zimmerli, *Ezekiel* 2, 497.

³⁶ The “year of release” must be recurring for Ezekiel’s legislation to make sense; he is issuing laws which are to continue in effect indefinitely.

³⁷ Cooke, *Ezekiel*, 512–13; see likewise Hans Wildberger, “Israel und sein Land,” *EvTh* 16 (1956): 415: “Jedenfalls beweisen die Ezechielstellen, daß das Jahr der Freilassen im alten Israel eine bekannte Ordnung gewesen ist.”

³⁸ Zimmerli, “Das ‘Gnadenjahr des Herrn,’” in *Archäologie und Altes Testament: Festschrift für Kurt Gallig zum 8. Jan. 1970* (eds. Arnulf Kuschke and Ernst Kutsch; Tübingen: J. C. B. Mohr, 1970), 328.

³⁹ Those who hold this position often concede the prior existence of some kind of “year of release,” but suggest the specific stipulations of Lev 25 were being formulated concurrently with the writing of Ezekiel (Walther Eichrodt, *Ezekiel: A Commentary* [trans. Cosslett Quin; OTL; London: SCM Press, 1970], 578; Cooke, *Ezekiel*, 513). On the possibility of concurrent compilation of Ezekiel and the Holiness Code, see above, pp. 179–80.

tution mentioned briefly by Ezekiel, while simultaneously omitting the very amendments Ezekiel makes to this law covering its application to the monarchy.

In Ezek 46:16–18, the prophet seems to be making a specific modification of the jubilee legislation for application to the prince.⁴⁰ This is just one particular example of many specific correspondences between Ezekiel and H which are most easily read in terms of the priority of H, as several scholars have demonstrated. Just like the reuse of Lev 26:3–13 in Ezek 34:24–28,⁴¹ in which the blessings of the Holiness Code are augmented with references to “David” and “my hill” [i.e. Zion], here in Ezek 46:16–18 the prophet augments Lev 25 to make provision for the Davidic monarchy.

It is also interesting to note that, though the שנת דרור must be recurring for Ezekiel’s legislation to make sense, he gives no instruction concerning when to start counting the years of its cycles. Here again, it would seem that he assumes his readers would know when the year would occur. Could this mean he was aware that the sabbatical and jubilee cycles continued to be counted in the exile, even though they could not be observed?⁴²

1.3. *The Vision of Restoration at the Mid-Point of the Jubilee: Ezek 40:1*

Finally, we turn to perhaps the most subtle and yet most theologically significant reference to the jubilee in the book of Ezekiel. It comes in the date formula introducing the temple vision of Ezek 40–48:

בַּעֲשָׂרִים וְחֲמִשׁ שָׁנָה לְנִלְחָתִי בְּרֹאשׁ הַשָּׁנָה בַּעֲשׂוֹר לַחֹדֶשׁ
בְּאַרְבַּע עֶשְׂרֵה שָׁנָה אַחֵר אֲשֶׁר הִכְתָּה הָעִיר בַּעֲצָם הַיּוֹם
הַזֶּה הִיטָה עָלַי יְדִיָּהוָה וַיְבֵא אֹתִי שָׁמָּה

^{40:1}In the twenty-fifth year of our exile, the fourteenth year after the city had fallen, at the beginning of the year, the tenth day of the month—on that very day—the hand of the LORD came upon me, and He brought me there. (NJPS)

Thus begins Ezekiel’s fantastic vision of a restored temple and nation of Israel.

⁴⁰ So Zimmerli, *Ezekiel* 2, 496–97.

⁴¹ On this see Milgrom, “Leviticus 26 and Ezekiel,” 58.

⁴² On the possibility of the counting of the jubilee in the pre-exilic period, see Lee W. Casperson, “Sabbatical, Jubilee, and Solomon’s Temple,” *VT* 53 (2003): 283–96.

Several issues confront the interpreter of this verse: the significance of the twenty-fifth year of exile, the meaning of *בראש השנה* ("at the beginning of the year") and *בעשור לחדש* ("on the tenth day of the month"). What do these time indicators mean?

Twenty-five is neither a common nor symbolic number in the Hebrew Bible. The best—and perhaps only—suggestion for its significance has been as half of a jubilee cycle.⁴³ Jan van Goudoever has shown that the concept of "mid-time" was operative in Jewish apocalyptic literature (i.e. Daniel) as well as later rabbinic and Christian tradition, and may be reflected in the redaction of the Pentateuch.⁴⁴ It is plausible that such a concept is present already here in Ezekiel. Ezekiel finds himself in "mid-time": halfway between the time of judgement (for him, 597 B.C.E.) and expected restoration. He would have construed the exile as a jubilee period: just as the indebted Israelite had to serve up to fifty years before returning to home and family, so the nation as a corporate individual must "serve among the nations" (Jer 25:11 LXX) until the coming of the jubilee. If this indeed is the symbolic significance of Ezekiel's chronological marker, it accords well with the interpretation of the return from exile as a jubilee event also found, for example, in Isa 61:1–4.

The identification of twenty-five years as half a jubilee is strengthened by the phrase "at the beginning of the year, on the tenth day of the month." As Wellhausen already noticed,⁴⁵ the only other passage in the Hebrew Bible which indicates that the year began on the tenth day of the month is Lev 25:9–10, in which the jubilee year (and, we have argued above, the cultic/agricultural year in general) began in the seventh month (= Tishri) on the tenth day of the month, the Day of Atonement.⁴⁶ Why the year would begin on the tenth day of the month has been the occasion for some discussion, but there is reason to think that the first nine or ten days of Tishri were a New Year's Festival and considered "liminal time"—neither

⁴³ So Zimmerli, *Ezekiel* 2, 346; Jon D. Levenson, *Theology*, 18; Greenberg, "Design," 190; Block, *Ezekiel* 25–48, 493, 512.

⁴⁴ Jan Van Goudoever, "Ezekiel Sees in Exile a New Temple-City at the Beginning of a Jubel Year," in *Ezekiel and His Book* (ed. J. Lust; Leuven: Leuven University Press, 1986), 347–49.

⁴⁵ Wellhausen, *Prolegomena*, 110.

⁴⁶ Cf. Zimmerli, "Gnadenjahr," 328: "Die höchst merkwürdige Datierung 'am Jahresanfang, am 10. Tag des Monats', die man gerade um ihrer Auffälligkeit willen besser nicht gewaltsam textlich ändert, läßt sich allein von Lev 25,9 her erhellen."

the old year nor the new. The New Year began in earnest only at the end of the festival, the Day of Atonement.⁴⁷ Thus, Ezekiel seems to be following the old “ecclesiastical” calendar represented in the Holiness Code, where the cultic year begins on the tenth of Tishri.⁴⁸

Therefore, we conclude with Zimmerli, Greenberg, and Levenson that the significance of the dating of Ezek 40:1 is that Ezekiel sees a vision of the restored temple and Israelite nation on the Day of Atonement at the mid-way point of the jubilee cycle.⁴⁹ Only the association with the jubilee year text (Lev 25:8–10) makes meaningful sense of both the figure of “twenty-five years” and the “beginning of the year” on the “tenth day of the month.”

What is the significance of this date for understanding the rest of the vision (chs. 40–48)? The deportees, in a sense “half-way” through the exile, would be feeling the discouragement associated with “mid-time,” and in need of a word of hope from the LORD. Ezekiel provides that in his vision. On the Day of Atonement—on which the old temple would have been cleansed and the LORD would have renewed his presence therein—Ezekiel foresees a new, cleansed temple to which the LORD’s presence returns. Yet the Day of Atonement

⁴⁷ On this see Jonathan D. Safren, “Jubilee and the Day of Atonement,” in *Proceedings of the 12th World Congress of Jewish Studies: Division A: The Bible and Its World* (ed. Ron Margolin; Jerusalem: World Union of Jewish Studies, 1999), 107*–113*.

⁴⁸ So Cooke, *Ezekiel*, 429; Zimmerli, *Ezekiel* 2, 346; van Goudoever, “Ezekiel,” 345; idem, *Biblical Calendars*, 84. Other commentators suggest בִּרְאֵשׁ הַשָּׁנָה in 40:1 simply means the first month of the year, or Abib/Nisan (cf. Exod 12:2–3; cf. Block, *Ezekiel* 25–48, 513; Eichrodt, *Ezekiel*, 540–41). The tenth day of the month would therefore be the start of the watch of the Passover lamb (Exod 12:3). However, the more natural meaning of בִּרְאֵשׁ הַשָּׁנָה seems to be “on the New Year.” Even if it means “the first month,” it might still refer to Tishri (cf. Greenberg, “Design,” 190; note that in the Mishna the dominant בִּרְאֵשׁ הַשָּׁנָה is that of Tishri [cf. Danby, 188 n. 3]). Greenberg suggests Ezek 40:1 may be deliberately ambiguous in order to suggest both the Passover (10 Nisan) and Day of Atonement/jubilee (10 Tishri, see “Design,” 190).

⁴⁹ Zimmerli, *Ezekiel* 2, 346–47; Greenberg, “Design,” 190; Levenson, *Theology*, 18. An old rabbinic tradition, championed most recently by Jan Van Goudoever, holds that Ezekiel saw his vision in the jubilee year itself. If the dates in Ezek 40:1 are calculated with those supplied in 2 Kings, it can be determined that the day of Ezekiel’s vision fell fifty years after the finding of the law in the reign of Josiah, and rabbinic tradition held both to have occurred in a jubilee. The rabbinic testimony is weighty, nonetheless it seems more likely that Ezekiel could have expected his readers to recognize “twenty-five years” as half a jubilee—one of the few symbolic significances the number could have based on Israelite religious tradition—than to calculate the years from the finding of the law by reference to 2 Kings and somehow conclude therefrom that both that event and Ezekiel’s vision took place in a jubilee.

with its restoration of cultic integrity is also linked to the jubilee and the restoration of social justice. Concern for social justice finds expression in several passages of the vision (e.g. 44:24; 45:8–12; 46:16–18, 47:21–23).

With respect to the jubilee, several scholars have noted that the numbers used in the dimensions of the visionary temple are consistently multiples of twenty-five (half a jubilee) and fifty (a jubilee).⁵⁰ Thus, the number twenty-five in 40:1 is not unrelated to the subsequent vision. In a sense, the restored temple is a “built jubilee”: that is, built on jubilee dimensions.⁵¹ Zimmerli comments:

Ist die Frage ganz abwegig, ob nicht am Ende der ganze Bau des künftigen Tempels durch seine Maßzahlen [sic] als “Bau der Freilassung” gemeint ist—ein seltsamer, in architektonischen Maßzahlen [sic] gefundener Ausdruck der großen Freilassungshoffnung des Hauses Israel?⁵²

In fact, the entire vision of Israel restored in chs. 40–48 can be described as Israel finally appropriating the wholeness that should have been actualized on every Day of Atonement of a jubilee year: cultic purity (e.g. 44:1–31), renewed presence of God (43:1–9), restoration to ancestral land (47:13–48:35), and social equity (45:9–12; 46:18; 47:21–23). Thus, we see a strong symbolic association here between the exile as a jubilee period and the restoration as a jubilee. This association will also be made in Isa 61:1–3 and Dan 9.

2. *The Jubilee in the Book of Isaiah*

2.1. *Introductory comments on Second and Third Isaiah*

Earlier (ch. 6) a possible allusion to the jubilee in the first part of Isaiah (Isa 37:30 = 2 Kgs 19:29) was examined. The remaining pertinent texts occur in chapters 40–55 and 56–66; that is, in so-called “Second” and “Third” Isaiah.

⁵⁰ Zimmerli, *Ezekiel* 2, 346; Greenberg, “Design,” 190, Allen, *Ezekiel 20–48*, 229; Block, *Ezekiel 25–48*, 495.

⁵¹ For further discussion, see John S. Bergsma, “The Restored Temple as ‘Built Jubilee’ in Ezekiel 40–48,” *Proceedings of the Eastern Great Lakes and Midwestern Biblical Societies* 24 (2004): 75–85.

⁵² Zimmerli, “Gandenjahr,” 329.

Ever since the publication of Duhm's influential Isaiah commentary,⁵³ Isaiah 40–55 has generally been ascribed to an exilic Second Isaiah, while chapters 56–66 have been attributed to a post-exilic Third Isaiah. However, there has not been complete unanimity. Some conservative scholars have continued to defend the eighth-century prophet's authorship of the entire book.⁵⁴ A small but vocal minority has urged that all of 40–66 be considered the work of the exilic Second Isaiah.⁵⁵ Concerning Third Isaiah, no consensus exists about the unity of its authorship or exactly where in the post-exilic period it should be located.⁵⁶

In what follows, the texts from Second and Third Isaiah pertinent to the jubilee will be viewed as originating from a common "authorship" reflecting on the conditions of Israel near the end of the exile and into the initial return.⁵⁷ The question of whether this "authorship" is a single individual, two individuals (master and disciple in close temporal proximity), or a "school" is not of substance for the present argument, and will be left open.

2.2. *The Prominence of the "Redeemer" in Isaiah 40–66*

As was seen above, in certain passages of Jeremiah and Ezekiel the ancient Israelite laws of land redemption—now extant only in

⁵³ Bernard Duhm, *Das Buch Jesaja* (Göttingen: Vandenhoeck & Ruprecht, 1892).

⁵⁴ E.g., Edward J. Young, *The Book of Isaiah* (NICOT; Grand Rapids: Eerdmans, 1965); Jan Ridderbos, *Isaiah* (trans. John Vriend; Grand Rapids: Zondervan, 1985); J. Alec Motyer, *The Prophecy of Isaiah: An Introduction and Commentary* (Downers Grove: Intervarsity, 1993).

⁵⁵ E.g., James D. Smart, *History and Theology in Second Isaiah: A Commentary on Isaiah 35, 40–66* (Philadelphia: Westminster, 1965); Yehezkel Kaufmann, *The Babylonian Captivity and Deutero-Isaiah* (repr. of *History of the Religion of Israel* IV, chs. 1–2; New York: American Union of Hebrew Congregations, 1970); Benjamin D. Sommer, *A Prophet Reads Scripture: Allusion in Isaiah 40–66* (Stanford, Calif.: Stanford University Press, 1998), 187–95.

⁵⁶ Grace I. Emmerson, *Isaiah 56–66* (Old Testament Guides; Sheffield: JSOT Press, 1992), 67–69.

⁵⁷ Cf. Sommer, *Prophet*, 191–92. We do not find the arguments of e.g. Klaus Baltzer ("Liberation from Debt Slavery After the Exile in Second Isaiah and Nehemiah," in *Ancient Israelite Religion* [ed. Patrick D. Miller et al.; Philadelphia: Fortress Press, 1987], 477–84) for placing Second Isaiah as a contemporary of Nehemiah convincing. In our opinion, it is an historical (or historiographic) accident that we have extant a description of the economic woes of Judah in the time of Nehemiah, and to link Second or Third Isaiah to that time period simply because they also reflect economic hardship is inadequate.

Lev 25—are seen as containing an implicit divine guarantee of Israel’s continuance on the land, and therefore of a return from the exile. The exile was seen as a period of debt-slavery and the return as an act of “redemption.” This way of conceptualizing the exile comes to full flower in Isaiah 40–66, where the root **לָסַד**, “to redeem,” is used 22 times,⁵⁸ thirteen times as a divine title, “Redeemer.”⁵⁹ Outside Isaiah this title is ascribed to God only seven times.⁶⁰

Thus, frequently in Isaiah 40–66 one encounters the metaphor of Israel as a debt-slave, the exile as the period of servitude, and the Lord, of course, as the **לָסַד**, the Redeemer. In certain passages the conceptual background of debt-slavery is explicit:

Thus said the Lord: . . .
Which of my creditors was it
To whom I sold you off?
You were only sold off for your sins . . . (Isa 50:1 nps)

Elsewhere the specific redemption laws (Lev 25) seem to inform the use of **לָסַד** or its derivatives:

⁷Thus said the LORD,
The Redeemer of Israel, his Holy One,
To the despised one . . .
To the slave of rulers . . .
⁸In an hour of favor I answer you,
And on a day of salvation I help you—
I created you and appointed you a covenant people—
Restoring the land,
Allotting anew the desolate holdings,
⁹Saying to the prisoners, “Go free,”
To those who are in darkness, “Show yourselves.” (Isa 49:7–9 nps)

Here, several images resonate strongly with the jubilee legislation: the role of the **לָסַד** (Lev 25:25–55), the restoration of the land and the re-allotment of ancestral holdings (Lev 25:10, 13, 23, etc.), and the release of those in bondage (Lev 25:39–55). The prophet characterizes the LORD as personally enacting a jubilee on behalf of Israel.

⁵⁸ Isa 41:14; 43:1, 14; 44:6, 22, 23, 24; 47:4; 48:17, 20; 49:7, 26; 51:10; 52:9; 54:5, 8; 59:20; 60:16; 62:12; 63:4, 9, 16.

⁵⁹ Isa 41:14; 43:14; 44:6, 24; 47:4; 48:17; 49:7, 26; 54:5, 8; 59:20; 60:16; 63:16.

⁶⁰ Gen 48:16; Job 19:25; Pss 19:14, 78:35, 103:4; Prov 23:11; Jer 50:34.

Other passages in which the concept of “redemption” seems to draw on the jubilee land-and-debt release laws include Isa 63:4 (which speaks of a “year of redemption,” i.e. the jubilee?), 58:1–14, and 61:1–4. These two latter passages will merit separate discussion below.

However, not every use of the root **לשם** in Isa 40–66 evokes the laws of redemption as its context. Frequently, the immediate referent is the Exodus event, which is already characterized as a “redemption” in two pivotal passages of Exodus itself (Exod 6:6, 15:13). This is the case in Isa 43:14–21, 48:21, 52:3–6, and 63:7–14, wherein the “redemption” alluded to is that from Egyptian bondage, and by implication the return from exile appears as a “new exodus.”

Moreover, “redeemer” is just one of many metaphors used for the God-Israel relationship throughout Isaiah 40–66, other significant ones being master, creator, and husband. Frequently these images are mixed or—as it were—piled on top of each other. For example, the full text of Isa 50:1 reads:

Thus said the LORD:
Where is the bill of divorce
Of your mother whom I dismissed?
And which of my creditors was it
To whom I sold you off?
You were only sold for your sins,
And your mother for her crimes. (NJPS)

Here the image of husband is mixed with that of master. Israel is simultaneously divorced wife and sold-off slave. Another example of mixed metaphors is found in Isa 48:21:

Say: “The LORD has redeemed
His servant Jacob!” (NJPS)

Ordinarily a redeemer would be a kinsman, not a master; but the LORD appears here as master and redeemer. Elsewhere the concept of redeemer is blended with that of creator (Isa 44:24) and husband (Isa 54:5–8).

Thus, although Isaiah 40–66 makes heavy use of the concept of the LORD as redeemer and the return from exile as an act of redemption from debt-slavery, this is only one among many metaphors the prophet employs to triangulate God, Israel, and the exile, and in only certain instances does it draw on the context of the laws of redemption for land and debtors (Lev 25). We turn now to the two most important instances.

2.3. *The Jubilee Background of Isaiah 58*

2.3.1. *Sitz-im-Buch and Sitz-im-Leben*

Concerning the function of Isa 58 within the canonical book, it is generally recognized that chapters 56–58 have been shaped into a unit by an inclusio concerning the observance of the Sabbath (56:1–8; 58:13–14).⁶¹ This unit is linked to chs. 1–55 by 56:1, which, some have argued, summarizes the message of the earlier parts of the book (1–39, 40–55).⁶² The theme of this unit is the nature of true piety: the prophet rebukes the people for idolatrous worship (57:3–13) and for observing ceremonies while neglecting justice (58:2–7). These rebukes are bracketed by promises of blessing for those who keep the covenant in both its ethical and ceremonial aspects, especially as epitomized in Sabbath-keeping (56:1–8, 58:8–14).

Most scholars view the oracles of 56–58 as addressed to the early post-exilic community in and around Jerusalem,⁶³ although Smart and Kaufmann register protests against this view, preferring to situate the unit in Judea during the exile.⁶⁴

2.3.2. *Exposition*

The oracle of ch. 58 opens with the LORD's command to the prophet to proclaim to the people their sins (v. 1). There is an ostentatious display of zeal for the laws of God among the people, particularly expressed in fasting (v. 2). However, the people feel their zeal has gone unnoticed and unrewarded by God (v. 3a). The reason for God's unresponsiveness, however, lies in the fact that the people have observed ceremonial aspects of the law (fasting) without practicing its requirements concerning social justice (vv. 3b–4a). The echoes of the eighth-century prophets can be clearly heard (Amos 6:21–24; 8:4–7). The LORD does not desire fasting which results only in physical mortification (vv. 4b–5), but one which expresses itself in charity towards one's neighbor (vv. 6–7). The LORD's presence will be near to the people when they practice justice (vv. 8–11), and the

⁶¹ Claus Westermann, *Isaiah 40–66: A Commentary* (trans. David M. G. Stalker; OTL; Philadelphia: Westminster, 1969), 340.

⁶² John Goldingay, *Isaiah* (NIBCOT 13; Peabody, Mass.; Hendrickson, 2001), 9, 316; Rolf Rendtorff, *Canon and Theology* (Minneapolis: Fortress, 1993), 181–89.

⁶³ Westermann, *Isaiah*, 335.

⁶⁴ Kaufmann, *Deutero-Isaiah*, 171–74; Smart, *Second Isaiah*, 251.

land will be restored and rebuilt (v. 12). Of particular concern is the observance of the Sabbath in a holy manner, without using it for self-interested business transactions (v. 13). If the people make such an observance, they will enjoy God's favor and "the heritage of [their] father Jacob" (v. 14).

2.3.3. *Jubilee Background of Isaiah 58*

The jubilee background for Isa 58 is usually not recognized, but has been argued extensively by Thomas D. Hanks. Hanks' strongest arguments for interpreting Isa 58 against the backdrop of Lev 25 include the following:⁶⁵

- (1) Just as the unit Isa 56–58 is framed by a sabbatarian context,⁶⁶ so also the jubilee is clearly embedded in sabbatical instruction (cf. Lev 25:2–7; 26:2, 34–35), and can be regarded as a special sabbatical year or an epiphenomenon of the sabbatical-year cycle.
- (2) Isa 58:3–6 concerns what constitutes proper fasting. The only fast actually *commanded* in the Torah is the Day of Atonement (Lev 23:26–32), on which the jubilee was proclaimed (Lev 25:9). Other fasts were added in the post-exilic period (Zech 7:3–10, 8:18). However, the fast in Isa 58 is twice described as "the fast the LORD chooses" (vv. 3, 6).
- (3) Isa 58:1 opens with a command to "lift up your voice like a trumpet (שֹׁפָר)" to "declare to the people their sins." The jubilee and the Day of Atonement involved reflection on sins (Lev 16:29–34) and were announced by trumpet (שֹׁפָר; Lev 23:24, 25:9). Indeed, the word כֹּל is probably an ancient word for "trumpet."⁶⁷
- (5) Isa 58:5 speaks of an "acceptable day" (יוֹם רְצוֹן). The two closest textual parallels are Isa 49:8 ("an acceptable season," בַּעֲתַר רְצוֹן) and Isa 61:2 ("the acceptable year," שְׁנַת רְצוֹן). Strong jubilee themes are present in both passages.⁶⁸ This suggests a connection:

⁶⁵ The following is adapted and augmented from Thomas D. Hanks, *God So Loved the Third World* (trans. James C. Dekker; Maryknoll, NY: Orbis, 1983), 99–102.

⁶⁶ Claus Westermann, *Isaiah*, 340; and Robert Bryan Sloan, *The Favorable Year of the Lord: A Study of Jubiliary Theology in the Gospel of Luke* (Ph.D. diss., University of Basel, 1977; Austin, Tex.: Schola Press, 1977), 116.

⁶⁷ See discussion above, pp. 90–92.

⁶⁸ Isa 49:7–9 was examined above, and Isa 61:1–3—almost universally recognized as a reference to the jubilee year—will be examined below.

the “acceptable year,” the jubilee, begins on an “acceptable day,” the Day of Atonement.

- (6) The constellation of ethical injunctions in Isa 58 corresponds well with those of Lev 25. The freeing of debt-slaves (Isa 58:6, 9c; cf. Lev 25:39–55), the protest against the abuse of workers (Isa 58:3d; cf. Lev 25:36, 39, 43, 46, 53), and the sharing of food and shelter with the needy, especially the needy kinsman (Isa 58:7, 10a–b; cf. Lev 25:35–38) can all be found reflected in the jubilee legislation. In addition, some scholars have suggested translating Isa 58:4a as “Behold, on the day of your fast you pursue your own business and dun your debtors.”⁶⁹ This would reflect the prohibition on charging interest of Lev 25:35–38. In sum, nearly all the injunctions of Isa 58 find a parallel in Lev 25. No other biblical legislation (i.e. Deut 15, Exod 21:2–11) corresponds so completely. This may explain why the promised blessings for fidelity to the LORD in Isa 58 (vv. 8, 11, 14) are thematically similar to those of Lev 25:18–19 and Lev 26:3–13, including bountiful rain (Isa 58:11, Lev 26:4a), the divine presence (Isa 58:8d, Lev 26:11–12), divine military defense (Isa 58:8c; Lev 26:6–8), and the consumption (כֶּסֶם, cf. Isa 58:14c, Lev 25:19, 26:5) of the produce of the ancestral land. All these blessings are tied particularly to the proper observation of the Sabbath (cf. Isa 58:13; Lev 25:2–7; 26:2, 34–35).
- (7) The presence of jubilee imagery in the text may to some degree be validated by its “jubiliary” history of interpretation.⁷⁰ For example, in the account of Jesus’ inaugural sermon in Nazareth (Luke 4:16–21), the Scripture reading (Luke 4:18–19) is a conflation of Isa 61:1–2 and 58:6d, reflecting a first-century recognition of the jubilee themes common to both. Subsequent Jewish interpretation has continued to recognize the jubiliary character of Isa 58:

The Prophetic portion of the Torah which is read to this day in Synagogue services throughout the world is taken from Isa 58, which seems to have been recited on a Yom Kippur inaugurating a Jubilee Year.⁷¹

⁶⁹ See Ludwig Köhler, *Deuterjesaja, stilkritisch untersucht* (Giessen: Töpelmann, 1923), *ad loc.*; and W. Kessler, “Studie zur religiösen Situation im ersten nachexilischen Jahrhundert und zur Auslegung von Jesaja 56–66,” *Wissenschaftliche Zeitschrift der Martin Luther-Universität Halle-Wittenberg* 1 (1956/57): 41–74.

⁷⁰ So Sloan, *Favorable Year*, 40.

⁷¹ Marc H. Tanenbaum, “Holy Year 1975 and Its Origins in the Jewish New Year,” *Jubilaum* 7 (1974): 65, quoted in Sloan, *Favorable Year*, 40.

- (8) Hank's arguments receive strong if indirect support from Michael Fishbane's analysis of Isa 58, in which he concludes that the chapter makes "explicit use of terms found in Lev 16 and 23:24–32—two biblical texts which deal with fasting and cultic-ascetic practices."⁷² However, Fishbane does not draw the obvious line connecting Lev 16 and 23:24–32—concerning the Day of Atonement—to Lev 25, the jubilee announced on that day. Nonetheless, if it is true, as Fishbane argues, that the author of Isa 58 is drawing directly from Lev 16 and 23:24–32, it increases the reasonableness of the hypothesis that the author knew and drew from a closely-related text like Lev 25 as well. In fact, the following scenario suggests itself: the prophetic author of Isa 58 saw in the jubilee the authentic social expression of the meaning of the Day of Atonement, which was the fast *par excellence* in traditional Israelite law. Extrapolating from this fact, the prophet urges that any fast the people of Israel undertake should include what would now be called a "concern for social justice."

If indeed it is correct, then, that Isa 58 draws on jubilee images, how may this act of re-interpretation be characterized?⁷³ It is clear that unlike other re-uses of the jubilee in the exilic and post-exilic periods, Isa 58 does not have a primarily *eschatological* but rather an imminent, *ethical* force. While some of the imagery of the chapter is poetic hyperbole, the prophet leaves no doubt that he wishes his audience to attend to the very real matters of social and cultic justice—that is, justice toward mankind (e.g. humane treatment of the poor) and God (proper observation of the Sabbath)⁷⁴—*now*, in the

⁷² Michael A. Fishbane, *Biblical Interpretation in Ancient Israel* (New York: Oxford, 1985), 305. See the entire discussion, pp. 304–7.

⁷³ Fishbane characterizes it as an "aggadic exposition" rather than "legal exegesis"; however, Fishbane is only considering the relationship of Isa 58 to Lev 16 and 23:24–32, not Lev 25.

⁷⁴ A brief comment is in order concerning the relationship between ethics and cult in Isa 58. It is popular for scholars to divorce 58:13–14 from the rest of the chapter, labeling it a late, discrete addition, because the concern for the observance of the Sabbath in these verses is supposedly not in keeping with the concern for ethics—over against cult—in the rest of the chapter. In our view, this line of reasoning is erroneous and anachronistic, imposing a distinction between cult and ethics characteristic of modernity upon an ancient Near Eastern context for which there was no such clear distinction. The point of Isa 58, in our view, is that proper religious observance (cult) must *include* attention to matters of "social justice," not that that religious observance is unimportant. In other words, cultic justice entails social justice. (It must be pointed out that the Sabbath always had a humanitarian and even ecological significance in addition to a cultic function [cf. Exod 20:8–11,

present. The promised blessings contingent on such behavior will begin to be experienced in the respondents' lifetimes.

Though the prophet knows of Israelite traditional law and custom—i.e. the jubilee—he does not enjoin a simplistic or legalistic return to it. Rather, he recognizes that the traditional law expressed in its particular regulations certain principles and postures toward God and other members of society, and these principles and postures could be enacted immediately without the implementation of all the particulars of the traditional law. Moreover, such a response on the part of the people—that is, an adoption of a “jubilee” posture toward one another without a full implementation of the jubilee laws—would be pleasing to God and result in essentially similar divine blessings to those promised for literally fulfilling the ancient law (Lev 26:3–13).

Isa 58 may be the earliest example of an *ethical* re-interpretation of the jubilee. Such re-interpretations have continued down to the present day, the most recent being the calls for debt forgiveness for developing nations during the jubilee year 2000.

2.4. *The Jubilee Background of Isaiah 61:1–3*

2.4.1. *Sitz-im-Buch and Sitz-im-Leben*

Isa 61:1–3 contains the most widely recognized biblical allusion to the jubilee outside of the Pentateuch.⁷⁵ The wider context of this pericope is generally regarded to be the unit chs. 60–62.⁷⁶ This unit is considered the “nucleus” of Third Isaiah, around which other materials (chs. 56–59, 63–66) were gathered.⁷⁷ This “nucleus” has strong connections with Second Isaiah, and is therefore usually assigned a date earlier than the rest of Third Isaiah. The three chapters con-

23:10–12; Deut 5:12–15]: part of its purpose was to provide rest for slaves, animals, and—in the case of the sabbatical year—land.) Ironically, some modern interpreters strike a similar but converse posture to that of the Israelites the prophet rebukes: the Israelites divorced cult from ethics and disregarded the latter; modern interpreters do the same and disregard the former. Therefore, they find the emphasis on a “cultic” matter—the Sabbath—in the final verses to be intrusive and “late.”

⁷⁵ See, for example, Ulrich Berges, *Das Buch Jesaja: Komposition und Endgestalt* (Herders Biblische Studien 16; Freiburg: Herder, 1998), 446; Brevard S. Childs, *Isaiah* (OTL; Louisville: Westminster John Knox, 2001), 505; Westermann, *Isaiah*, 366–67; Roger N. Whybray, *Isaiah 50–66* (NCB; Grand Rapids: Eerdmans, 1975), 241; Fishbane, *Biblical Interpretation*, 483.

⁷⁶ Westermann, *Isaiah*, 296.

⁷⁷ Westermann, *Isaiah*, 296–300.

stitute a proclamation of salvation to take place in the near future. All the words are comfort; there is scarcely a hint of rebuke in all three chapters.⁷⁸

There is slightly more agreement among scholars concerning the date and setting of Isa 61 than Isa 58. Usually a date in the 530's B.C.E. is favored, not long after Cyrus' edict and the beginning of the return from exile.⁷⁹ The prophet is usually thought to be located near Jerusalem.

2.4.2. *Exposition*

For the purposes of the following discussion it will be useful to cite the text in full:

רוח אדני יהוה עלי ^{1a}	^{1a} The Spirit of the LORD is upon me
יבֵּעַן מִשַׁח יְהוָה אֹתִי ^b	^b because the LORD has anointed me
לְבַשֵּׁר עֲנוּיִם שְׁלַחֲנִי ^c	^c to be a herald of joy to the oppressed
לְחַבֵּשׁ לְנִשְׁבְּרֵי־לֵב ^d	^d to bind up the broken-hearted
לְקַרְא לְשִׁבּוּיִם דְּרוּר ^e	^e to proclaim liberty to captives
וּלְאִסּוּרִים פְּקֻדָּתָם ^f	^f and to open the eyes of prisoners
לְקַרְא שְׁנַת־רִצּוֹן לַיהוָה ^{2a}	^{2a} to proclaim a year of favor of the LORD
בְּיוֹם נִקְם לְאֱלֹהֵינוּ ^b	^b a day of vengeance for our God
לְנַחֵם כָּל־אֲבֵלִים ^c	^c to comfort all the mourners
לְשׂוֹם לְאַבְלֵי צִיּוֹן ^{3a}	^{3a} to provide for the mourners of Zion
לְתַת לָהֶם פָּאֵר תַּחַת אֲפֹר ^b	^b to give them a turban for ashes
שֶׁמֶן שִׁשּׁוֹן תַּחַת אֲבֵל ^c	^c oil of joy for sorrow
מִעֵטָה תְּהַלֵּל תַּחַת רוּחַ כָּהֵן ^d	^d a garment of praise for a gloomy spirit,
וְקָרָא לָהֶם אֵילֵי הַצֹּדֵק ^e	^e calling them "terebinths of righteousness"
מִשַּׁע יְהוָה לְהַחֲפֹאֵר ^f	^f a planting of the LORD for his glory.

The speaker who opens Isa 61 announces "the Spirit of the LORD is upon me because the LORD has anointed me," but he does not identify himself. Ancient and modern interpreters have struggled to supply the missing identification. The most popular suggestions are (1) the prophet himself,⁸⁰ (2) the offspring of the "servant" of Second Isaiah's "Servant Songs,"⁸¹ or (3) the "servant" himself.⁸² The parallel

⁷⁸ Westermann, *Isaiah*, 296.

⁷⁹ See e.g. Westermann, *Isaiah*, 299; Sommer, *Prophet*, 191; Zimmerli, "Gnadenjahr," 322.

⁸⁰ Zimmerli, "Gnadenjahr," 323; Westermann, *Isaiah*, 365–67; Whybray, *Isaiah*, 240.

⁸¹ Willem M. A. Beuken, "Servant and Herald of Good Things: Isaiah 61 as an Interpretation of Isaiah 40–55," in *The Book of Isaiah* (ed. J. Vermeylen; BETL 81; Leuven: Leuven University Press, 1989): 438–40; Childs, *Isaiah*, 503.

⁸² Franz Delitzsch, *Biblical Commentary on the Prophecies of Isaiah*, vol. II (trans. James

between Isa 61:1a (“The spirit of the Lord God is upon me,” [NJPS]) and 42:1 (“This is My servant . . . I have put My spirit upon him,” [NJPS]) strongly supports this last option. The identification of the speaker as the prophet is related to the attempt to see Isa 61:1–3 as the “call narrative” of Third Isaiah—an attempt that is ultimately unconvincing, due to the lack of correspondence between Isa 61:1–3 and other prophetic call narratives.⁸³ Most of the data used to support identifying the speaker with the “offspring” of the servant could equally well be used to identify him with the “servant” himself; therefore, this alternative is also unconvincing.⁸⁴

There are good reasons to view this speaker—the “servant”—as a royal figure. Although prophets (1 Kgs 19:16) and priests (Exod 28:41; 29:7; 40:13–15; Num 35:25; etc.) were anointed in earlier Scriptures, anointing was most often associated with the office of the king.⁸⁵ Other elements of the text also point to royal status: as was seen above (ch. 3), the “proclamation of liberty” to the citizens of a nation (vv. 1f–2b) was typical of ancient Near Eastern monarchs in their accession year; and the “binding up” of the broken hearted (v. 1d) is an image taken from the ubiquitous king-as-shepherd metaphor (cf. Ezek 34:4).⁸⁶ Thus, while the idea of anointing does bear overtones of prophetic and priestly status as well, its primary force should be seen as denoting royal office.

Martin; Grand Rapids: Eerdmans, 1960), 424–25; W. W. Cannon, “Isaiah 61,1–3 an Ebed-Jahweh Poem,” *ZAW* 47 (1929): 284–88.

⁸³ Cf. Childs, *Isaiah*, 503.

⁸⁴ Childs, for example, notes the close connection between the speaker and the servant, but then insists “nowhere does the speaker call himself ‘servant.’ This is true; but neither does the speaker ever call himself the ‘offspring of the servant,’ which is the identification Childs favors. Beuken points out that the speaker of Isa 61 is described in language of the ‘herald’ of Second Isaiah, and thus cannot be the ‘servant’ *simpliciter* (‘Servant,’ 439); but in our view, passages such as Isaiah 52:7–15 already point to the fact that the ‘herald’ and ‘servant’ are to be identified. In general, scholars who distinguish the speaker of Isa 61:1–3 from the ‘servant’ of Second Isaiah point to the fact that the description of the speaker is not in every respect identical to previous descriptions of the ‘servant.’ But this is explicable on the supposition that the author is expanding and clarifying the ‘servant’s’ role. Moreover, no two descriptions of the ‘servant’ in Second Isaiah are completely identical, either. Should multiple ‘servants’ be postulated? Delitzsch’s discussion, though dated, is still valuable (*Isaiah*, 424–26).

⁸⁵ 1 Sam 9:16, 10:1, 16:3; 2 Sam 2:7, 5:17, 12:7, 19:10; 1 Kgs 1:34, 5:1, 19:15; 2 Kgs 9:3, 6, 12, etc. Cf. Westermann, *Isaiah*, 365.

⁸⁶ For the metaphor of king-as-shepherd, see Code of Hammurabi, Prologue, col. i, lns. 40–50 (*ANET*, 164b); Epilogue, col. xxiv (reverse), lns. 10–20 (*ANET*, 177b) and col. xxvi (reverse), lns. 10–20, (*ANET*, 178b); Dedication of the Shamash Temple by Yahdun-Lim, col. i (*ANET*, 556a); etc.

The spirit-endowed, anointed figure announces his role in a series of eight infinitives. The first of these, “to be a herald of joy to the oppressed,” is a clear allusion to the opening of Second Isaiah (Isa 40:9) and to Isa 52:7, which speaks of a “herald” who—if one reads on—seems to become identified with the “servant” (Isa 52:13–15) who suffers (Isa 53).⁸⁷ As in Isa 52:7, the “herald” of Isa 61 proclaims good news of victory and comfort to the people of the land.

“To bind up the broken-hearted” is, as noted previously, a royal-shepherd image, an ancient Near Eastern trope describing the good king. Likewise, many kings boasted of something similar to “proclaiming release to captives and liberation to the imprisoned.”⁸⁸ Within the context of the Hebrew Scriptures, however, the phrase *לקרא דרור* is freighted with connotations of the jubilee year, as most scholars recognize.⁸⁹ This association is confirmed by the following phrase, “to proclaim a year of the LORD’s favor,” the best biblical analogy for which is the year of jubilee.⁹⁰ However, the fact that the speaker is using the term “year” metaphorically for a new “age” is indicated by the next phrase, “a day of vengeance of our God.” The juxtaposition of “year” and “day” shows that the time references are being used figuratively and not literally.⁹¹ However, it may also be another instance of jubilee imagery, since the jubilee was a *year* proclaimed on a *day* (Lev 25:9–10).

The juxtaposition of enacting “liberty” (*דרור*) and “favor” (*רצון*, vv. 1f–2a) with “vengeance” (*נקם*, v. 2b) has given some interpreters pause.⁹² However, it may be relevant to point out that the two bodies of legislation concerned with the *נצל* in the Pentateuch deal with his “liberating” (Lev 25:25–55) and “avenging” (Num 35:9–34) roles respectively. Although the LORD is not specifically identified as “redeemer” in Isa 61, he is so identified in immediately adjacent passages (Isa 60:16, 62:12) and in passages that have clear intertextual relationships with Isa 61 (49:7–13, 52:7–10). The resultant conclusion

⁸⁷ The same phenomenon occurs in Isa 41:27–42:4.

⁸⁸ Cf. Laws of Ur-Nammu, col. ii, lns 104–124 (*ANET*, 523b); Edict of Ammisaduqa, §20 (*ANET*, 528b); Lipit-Ishtar Lawcode, prologue (*ANET*, 159b).

⁸⁹ See above, note 75. The exact phrase *לקרא דרור* is only used elsewhere in the Hebrew Bible in Lev 25 and Jer 34. We have endeavored to show above (ch. 6) that the usage in Jer 34 is also an allusion to Lev 25.

⁹⁰ The only other possible candidate, the *שמיטה* year of Deut 15, involves the release of debts, but not persons as in Isa 61:1–3.

⁹¹ Westermann, *Isaiah*, 367.

⁹² See e.g. the discussion in Beuken, (“Herald,” 420–24), who tries to soften the force of the term *נקם*.

is that the dispensing of “favor” to his people and the enacting of “vengeance” on their enemies are flip-sides of the LORD’s role as לַשִּׁפּוּט.

The speaker continues to specify his mission as requiring him “to comfort all the poor” (v. 2c) especially those of Zion (v. 3a). This role of “comforter” calls to mind the opening of Second Isaiah (40:1–2) and other passages whose relationship to Isa 61 has already been established (Isa 49:13, 52:9). Interestingly, whereas in Isa 49:13 and 52:9 the LORD himself is said to “comfort” Israel, here (Isa 61:2c–3a) it is the role of the “anointed one.” This close association between the LORD and the “anointed one” should not be surprising, since the “Spirit of the LORD” rests on the “anointed,” enabling him to perform acts proper to the LORD. Israelite royal ideology, with its close identification of the LORD and the King (Pss. 2:7, 110:1–5, etc.), may also be reflected here.

2.4.3. *Jubilee Imagery*

In Isa 61:1–3, as in Isa 49:7–9, an individual is portrayed as personally enacting the provisions of the jubilee. In 49:7–9 it is the LORD who does this; in 61:1–3 it is the “anointed one” who does so. As noted above, this “anointed one” is probably to be identified with the “servant” of Second Isaiah (cf. 42:1), and the ascription of the role of executor of the jubilee to both the LORD and his “servant” can be reconciled by recognizing that the Spirit of the LORD rests on the latter.

Isa 61:1–3 may be the first *messianic* re-interpretation of the jubilee. There is no call by the prophet for a return to the actual law codes of ancient Israel. Instead, he foresees the coming—one would assume in the near future—of one endowed with the Spirit of the LORD who will personally execute the kind of socio-economic restoration envisioned, to a certain extent, in the ancient jubilee institution. Since this coming one is described as “anointed” (מָשִׁחַ), it is appropriate to term this interpretation “messianic.”

If scholars are correct in applying the statements of Isa 61:1–3 to the period just before or after the edict of Cyrus and the return from exile,⁹³ then these verses are yet another instance in which the exile is symbolized as a period of corporate debt-slavery for Israel, terminated by the “jubilee” of the return and restoration.

⁹³ See esp. Zimmerli, “Gnadenjahr,” 322.

It is easy to see how the ambiguity concerning the identity of the speaker of Isa 61:1–3—combined with the polyvalence of the idea of anointing, which bears royal, priestly, and prophetic connotations—gave rise to much messianic speculation in this text's *Nachleben*. Some examples of this speculation will be examined in chapters to follow.

3. Conclusion

This chapter has examined texts relevant to the jubilee in Ezekiel and Isaiah. It was seen that there are references and allusions scattered throughout the book of Ezekiel which show some awareness of the jubilee and the text of Lev 25. Moreover, the date-notice in Ezek 40:1 implies that Ezekiel experienced his vision of restoration in the mid-point of a jubilee cycle at the end of which the anticipated restoration would occur. The dimensions of the restored temple and environs are frequently based on the numbers twenty-five and fifty, suggesting that in a sense it is a “built jubilee,” an architectural symbolization of the *restitutio in integrum* epitomized by the jubilee legislation. This might be characterized as an “eschatological” re-interpretation of the jubilee, in the sense that the jubilee is understood to be an image of Israel's final and ultimate state of existence. Ezek 46:16–18 assumes the jubilee will be observed in this “final state,” and makes modifications of it to regulate the land transactions of the monarch.

Although Isaiah 40–66 does not reflect the language of the Holiness Code to the degree that Ezekiel does, it still contains passages which appear influenced by the jubilee laws. The metaphor of the exile as corporate debt-slavery and the return as a “jubilee” or an act of redemption by the “redeemer” (גֹּאֲלֵנוּ) occurs throughout Isa 40–66, even as it did to a lesser degree in Jeremiah and Ezekiel. Two passages in particular seem strongly influenced by the jubilee: Isa 58 and Isa 61:1–3. Isa 58 engages in an “ethical” re-application of the jubilee laws to the prophet's contemporaries: although the ancient laws cannot be simply re-instituted in the contemporary context, the principles underlying them may still be applied and will merit the blessing of God. In Isa 61:1–3, however, there is a very different use of jubilee imagery; here it is associated with a coming “messianic” (anointed) figure, who will proclaim and inaugurate a new age characterized by the freedom and restoration of the jubilee year.

CHAPTER EIGHT

THE JUBILEE IN THE WRITINGS

This chapter examines three biblical books included in the Hebrew canon under the category “Writings” (*kethuvim*): Chronicles, Ezra-Nehemiah, and Daniel. All three books deal explicitly with the exilic or post-exilic periods. Affinities between Ezra-Nehemiah and Chronicles have always been recognized, often leading to the conclusion that the works have a common author. Daniel also seems influenced by concepts present in Chronicles, as will be seen. After a brief discussion of the possible relevance of material in Ezra-Nehemiah to the historical reconstruction of the original *Sitz-im-Leben* of the jubilee legislation, the chapter will focus on the more theologically fertile texts of Chronicles and Daniel. Since Daniel 9 apparently assumes an interpretation of Jeremiah’s “seventy years” prophecy found in a simpler form in 2 Chron 36:20–21, Chronicles will be examined prior to Daniel.

1. *The Jubilee in Ezra-Nehemiah*

There is no explicit mention of the jubilee in Ezra-Nehemiah. However, since Ezra-Nehemiah is an important source for historical reconstruction of the post-exilic period and the literary history of the Pentateuch, certain texts from the work are sometimes brought to bear on discussions of the development of the jubilee legislation (Lev 25) and the *Sitz-im-Leben* of its final form. This is particularly the case with Neh 5:1–13, which describes a reform instituted by Nehemiah in the post-exilic Judean city-state which forced all Jewish creditors to release their Jewish debt-slaves, forgive their debts, and return their property. Nehemiah’s reform resembles an impromptu proclamation of jubilee,¹ but the jubilee legislation is never mentioned by the text. Some scholars conclude, therefore, that the final

¹ Cf. Joseph Blenkinsopp, *Ezra-Nehemiah: A Commentary* (OTL; Philadelphia: Westminster, 1988), 259.

form of the jubilee legislation must post-date Nehemiah: had the legislation been in existence, he surely would have mentioned it.²

Such a conclusion, however, is an unwarranted *argumentum e silentio*.³ The truth is we do not know why Nehemiah or the writer of the biblical book did not refer to the jubilee legislation. The writer does not refer to the slave-release laws of Exod 21:2–11 or Deut 15:1–18 either, although few have suggested on that basis that those laws post-date Nehemiah.⁴

Perhaps Nehemiah did not refer to the Pentateuchal slave-release laws because none of them corresponded to his intention. All of them tolerated debt-slavery to some extent, regulating it with a periodic release.⁵ Nehemiah did not want to wait for a periodic release, be it on a seven- or fifty-year schedule;⁶ and regardless, as Weinfeld points out, his intent seems not to have been just to regulate debt-slavery, but to abolish it altogether, at least for Jews.⁷ Thus, Nehemiah had no compelling reason to cite Pentateuchal law to justify his actions, because, in fact, none of the laws did justify his actions.

² M. David, "The Manumission of Slaves Under Zedekiah," *OTS* 5 (1948): 79; Yairah Amit, "The Jubilee Law—An Attempt at Instituting Social Justice," in *Justice and Righteousness* (ed. H. G. Reventlow and Y. Hoffman; Sheffield: Sheffield Academic, 1992): 57–58; Gnana Robinson, "Das Jubel-Jahr," in *Ernten, was man sät: Festschrift Klaus Koch* (ed. D. R. Daniels et al.; Neukirchen-Vluyn: Neukirchener, 1991), 477–78.

³ Cf. Niels P. Lemche, "The Manumission of Slaves—The Fallow Year—The Sabbatical Year—The Jubel Year," *VT* 26 (1976): 54: "It has been suggested that the Jubel Year legislation as expressed in Lev 25 was not normative in the eyes of Nehemiah's contemporaries. But this does not necessarily mean that it never existed." Cf. also Innocenzo Cardellini, *Die biblischen "Sklaven"-Gesetze im Lichte des keilschriftlichen Sklavenrechts* (BBB 55; Bonn: Peter Hanstein, 1981), 372: "Daraus geht hervor, daß das absolute Fehlen jeglichen Hinweises auf das Jubeljahr nur in zwei Richtungen erklärbar ist: Entweder war die Jubeljahr-Institution zur Zeit der Nehemia-Denkschrift noch nicht entstanden, oder sie war zwar vorhanden, wurde aber wegen ihrer Absurdität als Rechtsbestimmung nach kurzer Zeit beiseite gelassen . . . Die zweite Lösung scheint mir jedoch zutreffend zu sein."

⁴ Cf. Lemche, "Manumission," 54 n. 45.

⁵ It is true that Lev 25 wishes to abolish true slavery for Israelites, replacing it with a kind of indentured servanthood, as discussed above, ch. 4. However, while legally distinct, such servanthood was economically and practically similar to slavery, and would not have satisfied Nehemiah's desire to restore the economic freedom of his fellow Jews.

⁶ Pointed out by Wilhelm Rudolph, *Ezra und Nehemia* (HAT I 20; Tübingen: Mohr-Siebeck, 1949), 129: "Der Nachdruck liegt auf 'unverzüglich', denn der Gärstoff, der die Gemeinde aufrührte, mußte möglichst schnell beseitigt werden. Das ist auch der Grund, warum Nehemia in diesem Fall mit dem Gesetz von Dt 15 nichts anfangen konnte. Davon, daß dieses Gesetz damals nicht existierte oder nicht in Kraft war, kann keine Rede sein." Rudolph's same logic would apply to Lev 25.

⁷ Moshe Weinfeld, "Sabbatical Year and Jubilee in the Pentateuchal Laws," in

Too much weight has been placed on this passage of Nehemiah in attempts to reconstruct the *Sitz-im-Leben* of the jubilee legislation, to the neglect of factors which point to the legislation's antiquity, which were enumerated above (ch. 3). The passage does provide a snapshot of a situation of economic hardship for the common people,⁸ but economic hardship and debt-slavery were not a novelty of the post-exilic period (cf. Amos 2:6–7; 4:1; 5:11–12; 8:4–8). There is no good reason to suppose that the jubilee legislation was produced as a reaction to this economic crisis rather than an earlier one in the history of Israel,⁹ particularly since there is nothing in the text of Lev 25 to establish a concrete historical reference to Nehemiah's reform; and, as mentioned above, the kind of indentured servanthood on a fifty-year cycle envisioned by Lev 25 is at odds with Nehemiah's intention to abolish Jewish debt-slavery altogether.

We conclude, therefore, that Neh 5:1–13 is not, unfortunately, much help in reconstructing the historical origins or development of the jubilee.

2. *The Jubilee in Chronicles*

The jubilee is never explicitly mentioned in the two books of Chronicles; moreover, the passage most relevant to the jubilee does not occur until the very end of the work (2 Chron 36:20–23). Nonetheless, since it is given the “last word” and—as will be seen—shapes Chronicles' genealogical structure, the concept of jubilee is significant for interpreting the Chronicler's overarching message.

2.1. 2 Chron 36:20–23: *Sitz-im-Leben*

A wide variety of dates and venues have been proposed for the composition of the books of Chronicles, from the sixth through the second centuries B.C.E.¹⁰ While we follow Japhet and others in ascribing a late fourth-century date and Judean provenance to the work,¹¹ this

The Law in the Bible and Its Environment (Publications of the Finnish Exegetical Society 51; ed. Timo Viejola; Göttingen: Vandenhoeck & Ruprecht, 1990), 53.

⁸ Cf. Blenkinsopp, *Ezra-Nehemiah*, 258.

⁹ Contra Robinson, “Jobel-Jahr,” 478.

¹⁰ See discussion in Sara Japhet, *I & II Chronicles: A Commentary* (OTL; Louisville: Westminster/John Knox, 1993), 24.

¹¹ Japhet, *Chronicles*, 28; Edward L. Curtis and Albert A. Madsen, *A Critical and*

has little bearing on the subsequent interpretation, since the Chronicler's intent is to present a schematic theological understanding of Israel's history which, while not without relevance for his contemporary society, is not primarily concerned with the "pressing issues" of his own day, whatever they may have been.¹²

2.2. *Sitz-im-Buch*

Obviously, 2 Chron 36:20–23 constitute the concluding verses of the books of Chronicles, and as such wield an influence over the way the text is read disproportionate to the length of the verses themselves.

Many scholars dispute the originality of vv. 22–23 (a report of the edict of Cyrus that appears borrowed from Ezra 1:1–3), attributing them to a later redactor who was endeavoring to establish a hinge between the books of Chronicles and Ezra-Nehemiah.¹³ Other scholars seem comfortable accepting the verses as from the hand of the Chronicler.¹⁴ The debate is closely intertwined with the question of common or separate authorship of Chronicles and Ezra-Nehemiah. Regardless of whether vv. 22–23 are original, they function acceptably within the present form of the text—the form which we are obliged to interpret.

2.3. *Exposition*

2 Chron. 36:20–21 form the end of a longer subunit of text (vv. 11–21) covering the reign of Zedekiah, the destruction of Jerusalem, and the final exile of its populace. The prophet Jeremiah is a pivotal figure in these events, and references to him are found at the beginning (v. 12) and end (v. 22) of the section.

Those who survived the sword he exiled to Babylon, and they became his and his son's servants till the rise of the Persian kingdom, in fulfillment of the word of the LORD spoken by Jeremiah, until the land

Exegetical Commentary on the Books of Chronicles (ICC; New York: Charles Scribner's Sons, 1910), 6.

¹² See Japhet, *Chronicles*, 24–28.

¹³ E.g. Curtis and Madsen, *Chronicles*, 525; Simon J. De Vries, *1 and 2 Chronicles* (FOTL 11; Grand Rapids: Eerdmans, 1989), 423. See discussion and references in Raymond B. Dillard, *2 Chronicles* (WBC 15; Waco, Tex.: Word, 1987), 298.

¹⁴ E.g., Japhet, *Chronicles*, 1076–77; and William Johnstone, *1 and 2 Chronicles, Volume 2: 2 Chronicles 10–36: Guilt and Atonement* (JSOTSup 254; Sheffield: Sheffield Academic Press, 1997), 274–76; seem to accept the verses as integral to the original composition.

paid back its Sabbaths; as long as it lay desolate it kept Sabbath, till seventy years were completed. (NJPS)

The reference to “his and his son’s servants till the rise of the Persian kingdom” is a reference to Jeremiah’s prophecy in Jer 27:7: “all nations shall serve him, his son and his grandson—until the turn of his own land comes. . . .” In Jer 25:11 this time period is defined as seventy years: “And those nations shall serve the king of Babylon seventy years.” This prophecy and its corollary (Jer 29:10) are the basis for the next four phrases, which are semi-poetic and arranged in a chiasmic structure in such a way that the Jeremianic prophecy sandwiches quotations from Lev 26 in what Japhet describes as a “perfect midrash”:

^A To fulfill the word of the LORD by the mouth of Jeremiah . . .	למלאות דברי־יהוה בפי ירמיהו ^A
^B until the land had enjoyed her Sabbaths . . .	עד־רצתה הארץ את־שבתותיה ^B
^{B'} all the days of her desolation she Sabbath-rested . . .	כל־ימי השמה שבתה ^{B'}
^{A'} to fulfill seventy years. ¹⁵	למלאות שבעים שנה ^{A'}

Phrases A and A' concern the fulfillment (מלאות) of Jeremiah’s prophecy and phrases B and B' the fulfillment of Lev 26:34–35, 43. The association of Jeremiah’s prophecy of seventy years and Lev 26 was a perfectly logical one for the Chronicler to make: Jeremiah states that the exile will last seventy years,¹⁶ and Leviticus that during the exile the land will “enjoy” or “make restitution for” (רצה)¹⁷ unobserved sabbatical years. If both assertions are true, then during the exile the land made up for seventy missed sabbatical years. This implies that Israel had failed to observe the sabbatical year for a period of

¹⁵ Translation is my own.

¹⁶ More accurately, Jeremiah predicted seventy years of Babylonian hegemony, which later interpretation equated with the period of exile.

¹⁷ There is some debate over how to translate רצה. Some scholars, e.g. Gary Anderson, argue for translating it according to its Mishnaic Hebrew sense of “make restitution for,” while others, e.g. Simon De Vries, “The Land’s Sabbath in 2 Chr 36:21,” *Proceedings of the Eastern Great Lakes and Midwest Biblical Societies* 6 (1986): 99–100, maintain the more common biblical Hebrew meaning “enjoy.” We prefer De Vries’ understanding, because it seems unlikely that the author of Leviticus viewed the *land* as somehow morally at fault because its inhabitants refused to observe the Sabbath year, such that it had to “make restitution” (presumably to God) for the unobserved Sabbaths. Rather, it seems that the land was not at fault, being instead robbed of its periodic Sabbath rests, which it could now “enjoy.”

490 years, or ten jubilees, which is approximately the time the Chronicler allots to the period of the monarchy.¹⁸ This association of Jer 25:11–12, 29:10 with Lev 26:24–35, 43, with the resultant figure of ten jubilees (490 years) seems to undergird the chronology of Dan 9:24–27 and some non-canonical Second Temple documents.

Jeremiah's prophecy had both a negative and a positive aspect. Negatively, it proclaimed seventy years of Babylonian hegemony and Judean subservience. Positively, it promised restoration for Jerusalem and Judea at the end of those seventy years. 2 Chron 36:11–21 point out the fulfillment of the negative aspect of Jeremiah's words; vv. 22–23 demonstrate the fulfillment of the positive aspect as well:

And in the first year of King Cyrus of Persia, when the word of the LORD spoken by Jeremiah was fulfilled, the LORD roused the spirit of King Cyrus of Persia to issue a proclamation throughout his realm by word of mouth and in writing, as follows: "Thus said King Cyrus of Persia: The LORD God of Heaven has given me all the kingdoms of the earth, and has charged me with building Him a House in Jerusalem, which is in Judah. Any one of you of all his people, the LORD his God be with him and let him go up." (NJPS)

One can see how the decree of Cyrus is portrayed as the expression of the divine will, since it is instigated by the LORD who "rouses" Cyrus' spirit in order to fulfill a divine oracle. It is not just a political event.¹⁹

Cyrus' decree is similar to a jubilee proclamation, and even more so to the decrees of *misharum* or *andurarum* on which the jubilee was likely modeled. There are some similarities in language: the same verb (העביר) is used to describe the traversal of the "horn" (שַׁפָּר) throughout the land to proclaim the jubilee (Lev 25:10) and the traversal of the "voice" (קוֹל) issuing Cyrus' decree (2 Chron 36:22). Both proclamations go throughout the whole land (בְּכָל-אֶרֶצָם, Lev 25:9; בְּכָל-מַלְכוּתוֹ, 2 Chron 36:23).²⁰

It makes sense that the Chronicler would think of Cyrus' edict as a realization of the jubilee. The edict is, like the jubilee, primarily

¹⁸ In fact, the data of Chronicles gives about 457 years for the kings since Saul (De Vries, "Land's Sabbath," 101). If Saul's reign was included, the figure would be closer to 490. However, the Chronicler does not give chronological data for Saul. If the 42-year figure (Acts 13:21) for Saul's reign was already traditional in the Chronicler's day, the total period of the monarchy would be 499 years.

¹⁹ Cf. Johnstone, 2 *Chronicles* 10–36, 274.

²⁰ Noted by Johnstone, 2 *Chronicles* 10–36, 274.

a proclamation authorizing return (שׁוּב) to ancestral land, connected with the renewal of the cult (which in Leviticus means the purification of the tabernacle on *yom kippur*; in Chronicles, the rebuilding of the temple). Moreover, as William Johnstone points out, the structure of the genealogies of Chronicles places the exilic generation as the fiftieth (jubilee) generation from Adam.²¹ It is this generation—at least schematically—that receives the “jubilee” proclamation from Cyrus:

The chronology with which the Chronicler is working makes the exilic generation the 50th since Adam: there are ten generations from Adam to Noah (1 Ch. 1:1–4); ten from Shem to Abraham (1 Ch. 1:17–27); fifteen from Abraham to Solomon; and fifteen from Rehoboam to Josiah (2 Ch. 10–35). With the deduction of one, because Abraham features twice in this sequence, the exilic generation of ‘seventy years’ is thus the fiftieth since the creation of the human race in Adam. It is surely not far-fetched to see in this the Chronicler’s adaptation of the regular proclamation of the 50th year as a year of jubilee, as legislated for in Leviticus 25. For that chapter occurs precisely before the coda of the ‘Holiness Code’ promising definitive eschatological Return to the land to the people who have worked off reparation for their guilt of defrauding God²² . . . Recurrent historical jubilees have in the Chronicler’s adaptation become the model for the definitive restoration of Israel in the jubilee of the end-time which will have, as in the reign of the perfect king, Solomon, implications of peace for the whole human race.²³

2.4. *Summary*

The final verses of 2 Chronicles 36 conceal underlying jubilee themes. In vv. 20–21 the exile is explained as the result of ten jubilee cycles (490 years) of failure to observe the sabbatical year. In vv. 21–22, Cyrus issues a jubilee-like proclamation to the exiles, who, according to the Chronicler’s genealogical structure, are the fiftieth, or “jubilee,” generation from Adam. With Cyrus’ decree, the return to ancestral land and the restoration of the proper cult—two important jubilee motifs—can begin. Thus, by concluding with Cyrus’ edict after a

²¹ See Johnstone, *2 Chronicles 10–36*, 274–76; and “Hope of Jubilee: The Last Word in the Hebrew Bible,” *EQ* 72 (2000): 311.

²² In point of fact, Lev 26 has no explicit promise of a return to the land for the exiles, although exilic and post-exilic readers may well have understood such a promise to be implied by the text.

²³ Johnstone, “Hope,” 311.

reflection on the sabbatical significance of the years of exile, the books of Chronicles acquire an eschatological and jubiliary orientation.

3. *The Jubilee in Daniel (Dan 9)*

The book of Daniel seems to assume and build upon some of the interpretive moves seen in 2 Chron 36:20–23. This is especially the case in Daniel 9, in which the seer receives a “word” from the angel Gabriel concerning “seventy weeks” decreed for his people. These “weeks” are universally understood as “weeks of years.” “Seventy weeks” would, therefore, be 490 years, i.e. ten jubilee cycles or one “great jubilee.” The author of Daniel seems to have believed that, just as ten jubilees (490 years) of national degeneration had culminated in the seventy years of “desolation” (as implied by 2 Chron 36:20–21), so now ten jubilees of national rebuilding would culminate in the inauguration of an eschatological jubilee year of restoration.

3.1. *Sitz-im-Leben*

Nearly all contemporary scholarship regards the book of Daniel as having reached its final form during the crisis instigated by Antiochus IV Epiphanes’ persecution of traditional Judaism around 164 B.C.E.²⁴ There is more disagreement, however, on whether some of the material in the book is older, reflecting concerns from the Persian or earlier Hellenistic periods. Some scholars see the work as going through several stages of editing and augmentation, while others regard the entire text as originating in the Maccabean period.²⁵ Fortunately, the larger issues of the book’s setting and composition need not be solved in order to interpret its use of the jubilee theme.

With respect to Daniel 9, there is no good reason to think the final form of the chapter stems from a different hand than that of

²⁴ See e.g. Louis F. Hartman and Alexander A. Di Lella, *The Book of Daniel* (AB; New York: Doubleday, 1978), 16–18; John J. Collins, *Daniel* (Hermeneia; Minneapolis: Fortress, 1993), 35–38. Seventh-Day Adventist scholars (e.g. Gerhard Hasel, William H. Shea, Jacques B. Doukhan) continue to argue for the traditional position that the book derives from the sixth-century prophet Daniel himself.

²⁵ The debate is nicely summarized in Hartman and Di Lella, *Daniel*, 9–18. For a rich discussion of many of the problems posed by the Book of Daniel, see John J. Collins and Peter W. Flint (eds.), *The Book of Daniel: Composition and Reception* (2 vols.; VTSup 83/1–2; Leiden: Brill, 2001).

the final form of the book,²⁶ and the interpretation of the jubilee theme in the text would remain the same no matter which of the possible dates for the book's composition is chosen.

What is of some consequence to the present discussion is the question of the chapter's unity. Specifically, the authenticity of the prayer of vv. 3–19 has frequently been called into question. Older scholarship was convinced it was a late insertion interrupting the coherence of the narrative.²⁷ However, more recent scholarship is quite comfortable assuming the prayer is a traditional piece that has been skillfully integrated into the chapter by the author or final redactor.²⁸

In what follows, the prayer of Dan 9 will be regarded as an integral component of the chapter, and the MT of the chapter will be explained. Issues about the exact dating and setting of the text's composition are not of concern, since the focus will be on the "narrative projection" of the text—that is, on how the text portrays Daniel and how it would be understood by the reader who accepts the text's claims—rather than on reconstructing the text's historical origins. This will be helpful, for example, in understanding the reception of Dan 9 in the Qumran and Second Temple literature.

3.2. *Sitz-im-Buch*

Daniel 9 occupies a central place within the second section of the book of Daniel, chs. 7–12. These chapters (7–12), which recount visions of the prophet Daniel in the first person, are generally regarded as a unit distinct from chs. 1–6, which comprise third-person stories of Daniel and his companions.²⁹ Some studies have pointed to a chiasmic arrangement of chs. 2–7.³⁰ There is also some evidence for the

²⁶ Cf. the discussion in André Lacocque, "The Liturgical Prayer in Daniel 9," *HUCA* 47 (1976): 119–20.

²⁷ Cf. discussion and references in James A. Montgomery, *A Critical and Exegetical Commentary on the Book of Daniel* (ICC; New York: Scribner's, 1927), 362; and Hartman and Di Lella, *Daniel*, 245–46.

²⁸ Cf. Bruce W. Jones "The Prayer in Daniel IX," *VT* 18 (1968): 488–93; Maurice Gilbert, "La prière de Daniel: Dn 9,4–19," *RTL* 3 (1972): 284–310; Gerald H. Wilson, "The Prayer of Daniel 9: Reflection on Jeremiah 29," *JSTOT* 48 (1990): 91–99; and discussion in John E. Goldingay, *Daniel* (WBC 30; Dallas: Word, 1987), 234–38.

²⁹ Cf. Hartman and Di Lella, *Daniel*, 9–14.

³⁰ A. Lenglet, "La structure littéraire de Daniel 2–7," *Bib* 53 (1972): 169–90; Hartman and Di Lella, *Daniel*, 9.

same sort of arrangement in chs. 7–12.³¹ If this literary analysis is correct, then ch. 7 seems to be a hinge linking the two parts of the book.³² Chapters 9 and 10 occupy the central position of the second part of the book, each recounting an angelic vision the prophet Daniel receives (9:20–27; 10:4–21) after engaging in prayer and self-denial (9:3–19; 10:2–3).³³

The angelic message of “seventy weeks” (Dan 9:24–27) is obviously related to the other prophetic visions of the book (chs. 2, 7, 8, 10–12). All the visions are concerned with the ushering in of the eschatological kingdom after a long time period. With the exception of ch. 2, they all describe the coming of an oppressive ruler (7:8, 11, 20–22, 24–26; 8:9–12, 23–25; 9:26–27; 10:21–45) just before the arrival of the final kingdom. It is reasonable to assume that these visions overlap in their descriptions of events and are meant to be mutually illuminating. Nonetheless, they have different perspectives. Chapter 9 is unique in that it pays no attention to the succession of world leaders during the time leading up to the final kingdom, but concerns itself with the progressive rebuilding of Jerusalem and the Temple during this period (9:24–26).

Chapter 9 is linked with the preceding and succeeding chapters by, among other things, the key word *בין*, “to understand.”³⁴ A direct link with ch. 8 can be seen in the way ch. 8 ends (“there was no one who understood,” *וְאִין מִבֵּין*) and ch. 9 begins (“I understood,” *בְּנוֹרִי*, v. 2). Thus, the negative note on which ch. 8 ended is changed to a positive: the seer now has understanding. The implication is that the revelation which follows will shed light on the vision of ch. 8. The theme of “understanding” is continued in ch. 10 (vv. 1, 12, 14), thus linking the narrative of ch. 9 to the visions that follow, as well.

3.3. *Exposition*

Daniel’s experiences in ch. 9 are dated to the first year of “Darius the Mede.” It is unclear historically just who this individual is meant

³¹ Jacques B. Doukhan, *Daniel: The Vision of the End* (Berrien Springs, Mich.: Andrews University Press, 1987), 2–7.

³² Doukhan, *Daniel*, 6–7.

³³ Doukhan, *Daniel*, 5.

³⁴ Doukhan, “The Seventy Weeks of Dan 9: An Exegetical Study,” *AUSS* 17 (1979): 4–5.

to be.³⁵ Regardless, according to the construal of history in the book of Daniel, Darius the Mede received the kingship of Babylon directly after it was conquered by Medo-Persian forces (Dan 5:30–6:1), i.e. ca. 538 B.C.E.

Thus, the vision of Dan 9 is set at or just before the time when—according to other biblical books—Cyrus issued his famous edict permitting Jewish repatriation, and Jeremiah’s “seventy years for Babylon” were considered complete. Any astute reader of the sacred texts, whether ancient or modern, could come to this conclusion from the data those texts supply. The data of Daniel are sufficient to recognize that the reign of Cyrus either is concurrent with, or follows hard upon, the reign of Darius (Dan 6:29).³⁶ From Ezra 1:1 and 2 Chron 36:20–23 it is clear that in the first year of his reign Cyrus issued an edict which fulfilled the prophecy of Jeremiah. That prophecy, expressed most clearly in Jer 29:10–14, stated that after seventy years Babylon would fall and be punished (fulfilled in Dan 5:30), and the exiled inhabitants of Jerusalem and Judah would be brought back and their fortunes restored (fulfilled by Cyrus’ edict; cf. Isa 44:24–28; Ezra 1:1; 2 Chron 36:20–23). Thus, it requires no specialized historical knowledge—only a familiarity with the Jewish scriptural tradition—to conclude that Daniel experiences the vision of Dan 9 after the defeat of Babylon and shortly before the edict of Cyrus that would fulfill the Jeremianic prophecy.³⁷ It then becomes

³⁵ Klaus Koch, building on work by William H. Shea and others, presents a striking case for identifying Darius the Mede with the Gubaru known from Akkadian tablets as one of Cyrus’ vice-regents and the actual conqueror of Babylon (“Dareios der Meder,” in *The Word of the Lord Shall Go Forth. Festschrift D. N. Freedman* [ed. C. L. Meyers and M. O’Connor; Winona Lake: Eisenbrauns, 1983], 287–99). For a criticism of this view, see Collins, *Daniel*, 31. Donald J. Wiseman, “Some Historical Problems in the Book of Daniel,” in *Notes on Some Problems in the Book of Daniel* (London: Tyndale, 1965), 9–18, argues that Darius is Cyrus himself. Other identifications have also been proposed; see Collins, *Daniel*, 348.

³⁶ Cf. St. Jerome on Dan 9:1–2: “This is the Darius who in cooperation with Cyrus conquered the Chaldeans and Babylonians” (*Jerome’s Commentary on Daniel* [trans. Gleason L. Archer, Jr.; Grand Rapids: Baker, 1958], 90). Dan 6:29 can be translated, “during the reign of Darius, that is, during the reign of Cyrus the Persian” (cf. e.g. NIV note *ad loc.*). That “Darius’s” reign was short could also be implied by the fact that the only year of his reign mentioned in the book is his first (Dan 9:1, 11:1; the events of Dan. 6 are by implication also in that first year).

³⁷ It is claimed by some (e.g. Collins, *Daniel*, 349) that the author of Daniel “rejected” the view of the Chronicler and Ezra-Nehemiah that Cyrus’ edict fulfilled the prophecy of Jer 29:10, instead re-interpreting the “seventy years” of Jeremiah to be “seventy weeks” of years. However, it is doubtful whether even the author

comprehensible why Jeremiah's prophecy would be of interest to Daniel at this time.³⁸ The prophecy stated that when the "seventy years" of Babylon were over, the inhabitants of Jerusalem would return and experience the restoration of their fortunes (Jer 29:10–14). The "seventy years" of Babylon were definitely over in the first year of Darius the Mede (Dan 5:30–6:1), regardless of when one might place the *terminus a quo* of Jeremiah's prophecy.³⁹ But now, where was the promised restoration of the Jerusalemites?

Daniel "understands" (בִּנְיָחַ) from the "writings" (סְפָרִים)⁴⁰ that the term of the "desolations of Jerusalem" according to Jeremiah was to be seventy years. However, it seems likely that he understood more than just the number of years—also that the prophecy was conditional:

When you call Me, and come and pray to Me, I will give heed to you. You will search for Me and find Me, if only you seek Me wholeheartedly. (Jer 29:12–13 NPS)

The prayer of Dan 9:3–19 may be interpreted as Daniel's attempt to fulfill the conditions of Jer 29:12–13 that the exiles "call on," "pray to," and "search for" the LORD, which—according to his reading of Jer 29:10–14—was a necessary condition to actualize the good promises given through Jeremiah.⁴¹

of Ezra-Nehemiah regarded Cyrus' edict as completely fulfilling the prophetic promise of Jer 29:10–14 with no remainder, especially considering the ambivalent way the narrative concludes (Neh 13, cf. also Ezra 9:8–9, Neh 9:36–37). Secondly, Daniel claims to "understand" Jeremiah's prophecy, he does not ask for insight into it (acknowledged by Collins, *Daniel*, 347), and Gabriel nowhere claims to be interpreting the prophecy. Thus, it is hard to see why an ancient reader would understand Dan 9 to be taking issue with Ezra 1:1–4; this is a modern construct. Arguably, both Ezra-Nehemiah and Dan 9 recognize the restoration of Jerusalem promised by e.g. Jer 29:10–14 as a *process* begun by Cyrus' edict and lasting for some time.

³⁸ Cf. Wilson, "Prayer," 97: "It is no wonder that Daniel is depicted as turning so fervently to entreat YHWH for the restoration of Israel—what he perceived in the 'books' was . . . the fact that the time of desolation was drawing rapidly to a close."

³⁹ Gerald Wilson makes the following interesting observation: "Dan 1.2 assumes that Jehoiakim and the temple vessels were carried into exile in the 'third year of Nebuchadnezzar' or 605 B.C.E. It is suggestive that once this move is made, the interval between Nebuchadnezzar's profanation of the temple and the recitation of the prayer of Dan 9 in the first year of Darius, son of Ahasuerus (538 B.C.E.) is sixty-eight years" ("Prayer," 97).

⁴⁰ Wilson suggests that the סְפָרִים may refer to the letters Jeremiah sent to the exiles, two of which are conflated in Jer 29 ("Prayer," 93).

⁴¹ Cf. Lacocque, "Liturgical Prayer," 123–24; Wilson, "Prayer," 95: "After the seventy years, the restoration is not simply assured, but rests on the fulfillment of certain conditions expressed in 29:12–14."

It is also relevant that the covenant curse texts of both the Holiness and Deuteronomic Codes speak of restoration for the people of Israel after the execution of the covenant curses as *contingent upon repentance*. Of particular relevance is Lev 26, from which Dan 9 has borrowed several themes and keywords, as will be seen below. Lev 26:39–42 reads:

Those of you who survive shall be heartsick over their iniquity in the land of your enemies; more, they shall be heartsick over the iniquities of their fathers; and they shall confess their iniquity and the iniquity of their fathers, in that they trespassed against Me, yea, were hostile to Me. When I, in turn, have been hostile to them and have removed them into the land of their enemies, then at last shall their obdurate heart humble itself, and they shall atone for their iniquity. Then will I remember my covenant with Jacob; I will remember also My covenant with Isaac, and also My covenant with Abraham; and I will remember the land. (NJPS)

It is instructive to compare the statements of this passage with the text of Daniel's prayer, in order to see the specific ways in which the prayer fulfills the levitical prescriptions:⁴²

<p>“Those of you who survive shall be heartsick in the land of your enemies . . .” (Lev 26:39a)</p>	<p>“I turned my face to the LORD my God . . . in fasting, in sackcloth and ashes . . .” (Dan 9:3)</p> <p>“We have sinned, we have gone astray; we have acted wickedly; we have been rebellious . . .” (Dan 9:5)</p>
<p>“They shall be heartsick over the iniquities of their <i>fathers</i> . . .” (Lev 26:39b)</p>	<p>“We . . . have not obeyed . . . the prophets who spoke . . . to our <i>fathers</i> . . .” (Dan 9:6)</p> <p>“Because of our sins and the iniquities of our <i>fathers</i>, Jerusalem and Your people have become a mockery . . .” (Dan 9:16b)</p>
<p>“They shall confess (וְהִתְוַדּוּ) their iniquity and the iniquity of their fathers . . .” (Lev 26:40a)</p>	<p>“I prayed to the LORD my God, making confession (וְאֶתְוַדַּתִּי) thus . . .” (Dan 9:4)</p> <p>“While I was speaking, praying, and confessing (וּמִתְוַדֶּה) my sin . . .” (Dan 9:20)</p>

⁴² The following translations are all from the NJPS Tanakh.

These are just the clearest correspondences; a more extensive comparison of both passages would reveal more.⁴³

Yet it is not exclusively from Lev 26 that Dan 9:3–19 draws. The use of Deuteronomic language in the prayer has been widely recognized.⁴⁴ Thus, it is also necessary to consider the relevant passage from the covenant curses of Deuteronomy:

When all these things befall you—the blessing and the curse that I have set before you—and you take them to heart amidst the various nations to which the LORD your God has banished you, and you return to the LORD your God, and you and your children heed His command with all your heart and soul, . . . then the LORD your God will restore your fortunes and take you back in love. (Deut 30:1–4 NPS)

Here again one can discern implied conditionality: it is when the exiles “take [these things] to heart” and “return to the LORD” that the LORD will restore their fortunes and take them back.

Thus, the minor-key melody of Dan 9:3–19 needs to be heard with the accompaniment of Jer 29:12–13, Lev 26:39–42, and Deut 30:1–4. The significance of the prayer in its “projected” life-setting then becomes explicable. “Daniel” sees that the “seventy years of Babylon” are now over, but there has not yet been any sign of the restoration of Judah and Jerusalem. Why not? He can only conclude that the requisite repentance of Jer 29:12–13, Lev 26:39–42, and Deut 30:1–4 has not taken place:

All that calamity, just as is written in the Teaching [Torah] of Moses, came upon us, yet we did not supplicate the LORD our God, did not repent of our iniquity or become wise through your truth. (Dan 9:13 NPS)

Thus, Daniel’s prayer is not a plea for illumination,⁴⁵ but a heroic attempt on his part to repent on behalf of his entire nation. And, it must be admitted, as a prayer of abject repentance, Dan 9:3–19 can hardly be outdone. He confesses on behalf of every class of Israelite (vv. 6–7), and justifies God as wholly righteous in his actions (v. 14), the people wholly at fault (v. 18).

⁴³ Cf. Michael A. Fishbane, *Biblical Interpretation in Ancient Israel* (New York: Oxford, 1985), 489: “Daniel [turns] to a confessional prayer—that is to precisely that type of prayer required by Lev. 26:40 for the remission of sins and the termination of the sabbatical cycles of doom and desolation for the land.”

⁴⁴ E.g. Collins, *Daniel*, 350.

⁴⁵ Wilson, “Prayer,” 92: “The apparent awkwardness [of Dan 9] is greatly relieved when one realizes that the purpose for which this prayer came to its present position is not to serve as a plea for understanding the ‘mystery’ of the seventy years.”

In response to Daniel's prayer,⁴⁶ the angel Gabriel appears to reveal to him the divine schedule for the restoration of Jerusalem, the people, and the temple. Comparison of the actual requests embedded in the prayer with Gabriel's response reveals how the two correspond to one another. Daniel makes two substantive requests in his supplication—or rather, one request phrased in two different ways: "Let Your wrathful fury turn back from Your city Jerusalem, Your holy mountain . . ." (v. 16) and "Show Your favor to Your desolate sanctuary . . ." (v. 17). Thus, the point of the prayer is for God to restore Jerusalem and its temple. Moreover, the restoration of Jerusalem necessarily involves the restoration of the fortunes of her inhabitants. This is stressed in the way Daniel concludes his prayer: "O LORD, listen and act . . . for Your name is attached to *Your city* and *Your people*" (v. 19).

Notice, then, the opening statement of Gabriel's "word" of response: "Seventy weeks have been decreed for *your people* and *your holy city*" (v. 24). The response explicitly picks up where the prayer left off, and the interconnection is stressed by a chiasmic inversion: your city: your people :: your people: your city (A:B::B':A'). Concern for the city and sanctuary dominated the requests of the prayer, and also dominate the response. Daniel requests the LORD to show favor to desolate Jerusalem and its temple; Gabriel reveals the time frame during which the LORD will answer his request: "seventy weeks" of years.

It is not difficult to discover how the author of Daniel could have arrived at the figure of 490 years ("seventy weeks" of years) for the restoration of Jerusalem and the temple. Jeremiah's prophecy of

⁴⁶ Some scholars deny that Gabriel appears in answer to Daniel's prayer, because the text states "a word went forth when you began your plea" (בְּחִלּוֹת תְּחִנּוֹתֶיךָ וַיֵּצֵא דְבַר); therefore, God's decree was established before Daniel's prayer and has nothing to do with it (Collins, *Daniel*, 360: "The deliverance promised by the angel is in no sense a response to Daniel's prayer"). However, one must keep in mind God's foreknowledge: God is able to respond to Daniel's prayer even before he completes it. This exact scenario occurs in the following chapter: in Dan 10:12, an angel recounts that he was sent out at the beginning of Daniel's prayer, and yet explicitly states that he has come because of that prayer (וַאֲנִי־בָאתִי בְּרִבְרִיךָ, "and I have come because of your words"). The situation in Dan 9:23 is analogous to 10:12.

Other commentators deny that Gabriel's message has anything to do with Daniel's prayer on the basis of the content of both. Gabriel's message, according to their opinion, concerns the exegesis of Jeremiah's prophecy of "seventy weeks," whereas Daniel's prayer contains no request for exegetical insight. However, if one does not make the *a priori* assumption that the angel's message is an "interpretation" of the "seventy years"—which it never claims to be—this objection evaporates.

“seventy years” in Jer 29 predicted that God would restore the fortunes of the exiles “when you call Me, and come and pray to Me . . . if only you seek Me wholeheartedly” (Jer 29:12–13). This kind of repentance had not yet taken place, as Daniel admits: “All that calamity, just as is written in the Teaching of Moses, came upon us, yet we did not supplicate the LORD our God, did not repent of our iniquity or become wise through Your truth” (Dan 9:13). Therefore, the period of punishment for Israel was to be extended according to the principle of Lev 26:18: “And if, for all that, you do not obey Me, I will go on to discipline you sevenfold for your sins.”⁴⁷ The initial period of discipline—Jeremiah’s seventy years—had come and gone without provoking the necessary repentance. The period of discipline would now be increased sevenfold, to “seventy weeks” or 490 years.

Thus, the usual opinion that the angel’s message is an “interpretation” of Jeremiah’s “seventy years” needs to be nuanced. In a sense it is, and yet the angel is not claiming that Jeremiah meant “seventy weeks” when he said “seventy years.” Daniel understood (בִּינְיָהוּ, v. 2) correctly that the original prophecy was for seventy years. That time period is now up, the requisite repentance has not taken place, so the angel announces a sevenfold extension of Israel’s disciplinary probation until the messianic age.

The seventy-week period of discipline is simultaneously a period of restoration. The first three infinitive clauses in v. 24 stress the disciplinary aspect:

לכלא הפשע	“to finish transgression . . .”
ולחחם חטאות	“to put an end to sin . . .”
ולכפר עון	“to atone for iniquity . . .”

The first two clauses, לכלא הפשע ולחחם חטאות, “to finish transgression and put an end to sin,” may imply that the seventy-week period is predominantly one of transgression and sin. The exile has been insufficient time for Israel to cease her rebellious ways, but the 490-year period will give her opportunity to do so. The third clause, ולכפר עון, “to atone for iniquity,” may imply that the people’s suffering during this “time of distress” will have an expiatory function, “paying off,” as it were, the debt of punishment for their previous sins.

The last three infinitive clauses stress the positive results of this extended disciplinary period, presumably events that will take place at the end of it:

⁴⁷ Cf. Pierre Grelot, “Soixante-dix semaines d’années,” *Bib* 50 (1969): 172.

ולחביא צדק עלמים	"to bring in eternal righteousness . . ."
ולחתם חזון ונביא	"to confirm vision and prophet . . ."
ולמשח קדש קדשים	"and to anoint a holy of holies."

Thus, while the author of Daniel recognizes that the 490-year period will be "a time of distress" (v. 25), and, as we have argued, a seven-fold extension of the punishment of the exile (in a sense) according to the principle of Lev 26:18 *et passim*, the angel's message is not without hope.⁴⁸ On the contrary, despite the "distress"—or perhaps by means of it—the period witnesses the unfolding of God's plan to restore Jerusalem and usher in the eschatological age.⁴⁹ While this restoration is not portrayed in Dan 9, it is implied by the infinitives of v. 24 and described in the other visions of the book (e.g. Dan 2:44–45, 7:26–27, 12:1–3).

It is also not quite accurate to describe the period as one of "desolation" for Jerusalem. It witnesses one or two comings of a "messiah,"⁵⁰ and during the majority of the period, the city is being rebuilt in a substantial manner.⁵¹ The city is destroyed and made "desolate" at the end of the 490 years—presumably in the last week. This implies that in the previous weeks, it was not "desolate"—otherwise the "army of the leader to come" would have no work to do. There

⁴⁸ Usually the "seventy week" period is regarded as a period of "desolation" by commentators, but with the exception of the seventieth week, such a construal does not seem justified by the text. Goldingay's comments are pertinent: "Daniel has not so far pictured the afflictions of the second century as punishment and it would need to do so more clearly if this was the implication here; Antiochus is the desolater rather than the rod of Yahweh's anger . . . There is no direct indication in the oracle that the whole postexilic period is seen as a period of wickedness. Only the last "seven" is specifically characterized by wickedness, wrath, and desolation" (*Daniel*, 259).

⁴⁹ Cf. Goldingay, *Daniel*, 267: "Yet this gloomy prospect [of the seventieth week] is set in the context of a promise that by the end of the seventy sevens God will have purged the people and the city of evil."

⁵⁰ This depends on whether one reads vv. 25–26 according to the MT punctuation, in which a messiah comes after seven weeks (and presumably a different one is "cut off" after the 62 weeks), or according to the ancient versions, in which a messiah comes after seven and 62 weeks (i.e. after 69 weeks, and is presumably the same as the one who is "cut off"). See the discussion in Roger T. Beckwith, "Daniel 9 and the Date of the Messiah's Coming in Essene, Hellenistic, Pharisaic, Zealot and Early Christian Computation," *RevQ* 10 (1981): 521–42; and Collins, *Daniel*, 355. In light of the fact that the first attestation of the MT punctuation of the text is not until the third century C.E. (Thomas E. McComiskey, "The Seventy 'Weeks' of Daniel Against the Background of Ancient Near Eastern Literature," *WTJ* 47 (1985): 20), we are less confident than Collins that the MT reading is to be preferred.

⁵¹ That is, רחוב וחרוץ, "square and moat" (v. 25), seems to imply a thorough rebuilding and fortification.

is a sense in which the “seventy weeks” are an extension of the original “seventy years” of “Jerusalem’s term of desolation,” but not in the sense that Jerusalem lies desolate the entire time; rather, in the sense that only at the end of the period will Jerusalem be permanently free from the threat (and experience) of “desolation” to which she has been subject since the destruction of the first temple.

Much effort has been expended in attempts to identify the specific historical referents of the various events mentioned during the “seventy weeks,” but for our purposes it is only necessary to examine the *terminus a quo* for the period. It is universally agreed that the starting point of the prophecy is described in v. 25: מִן־מֵצָא דָּבָר לְהָשִׁיב וּלְבָנוֹת יְרוּשָׁלַם (“From the going forth of the word to restore and rebuild Jerusalem . . .”). Frequently this event is identified with the issuance of Jeremiah’s prophecy of the “seventy years” in Jer 25:11–12 (c. 605 B.C.E.)⁵² or Jer 29:10 (c. 594 B.C.E.).⁵³ These identifications result from

⁵² E.g. Montgomery, *Daniel*, 391; Klaus Koch, *Daniel* (BKAT 22; Neukirchen-Vluyn: Neukirchener, 1986), 150; Ronald W. Pierce, “Spiritual Failure, Postponement, and Daniel 9,” *TrinJ* 10 (1989): 212.

⁵³ McComiskey, “Seventy Weeks,” 26; Luc Dequeker, “King Darius and the Prophecy of Seventy Weeks in Daniel 9” in *The Book of Daniel in the Light of New Findings* (ed. A. S. van der Woude; BETL 106; Leuven: Peeters, 1993), 199; Hartman and Di Lella, *Daniel*, 247. McComiskey argues that “the word to restore and rebuild Jerusalem” must refer to the issuance of Jeremiah’s prophecy in Jer 29:10–14, because Jer 29:10 (אֶת־דְּבַר הַשִּׁיב לְהָשִׁיב) and Dan 9:25a (דָּבָר לְהָשִׁיב) share two words. However, two shared words—and common ones at that—do not establish a connection, especially since the remainder of the phrase in Dan 9:25a (וּלְבָנוֹת יְרוּשָׁלַם) does not correspond with Jer 29:10, and the two verbs (לְהָשִׁיב וּלְבָנוֹת) should probably be taken as a hendiadys. Furthermore, even if these two words did establish a link with the prophecy of Jer 29:10, the referent of “the word to restore and rebuild Jerusalem” could be taken as the event which fulfilled Jer 29:10, not the prophecy itself. In other words, the text would be saying: “from the going forth of the ‘word to return and rebuild Jerusalem’ which Jeremiah predicted, i.e. Cyrus’ decree.” Jer 29:10 is the prediction of a “word to return,” it is not itself a “word [i.e. command] to return”—and this is apparent because the prediction is conditional (vv. 12–13): the “word to return” may never arrive if the people do not repent.

Fishbane (*Biblical Interpretation*, 483) and others assume the issuance of the “word” in 587 B.C.E., in order to make the first “seven weeks” of v. 25 (i.e. 49 years) correspond exactly to the time between the destruction of Jerusalem and the coming of Cyrus the “anointed one.” But no “word to return and rebuild” went out in 587 B.C.E., nor is it clear that the seven weeks are to be counted separately from the 62 weeks, nor is it clear that the “anointed one” of v. 25 is supposed to be Cyrus. Cf. Gerhard F. Hasel, “Interpretations of the Chronology of the Seventy Weeks,” in *70 Weeks, Leviticus, Nature of Prophecy* (ed. Frank B. Holbrook; Washington D.C.: Biblical Research Institute, 1986), 26–27: “The fall of Jerusalem as the beginning date for the 490 years has no support exegetically.”

interpreting the angel's message as claiming that Jeremiah *himself* meant "seventy weeks" when he said "seventy years." However, on closer inspection it becomes clear that neither of these prophecies match the description given in Dan 9:25, because neither says anything about "rebuilding" Jerusalem.⁵⁴ John Collins helpfully points out why this is so: both prophecies were issued before 587 B.C.E., and "the word to rebuild Jerusalem could scarcely have gone forth before it was destroyed."⁵⁵ However, Collins' own solution—to identify the "word to restore and rebuild" with the angelic "word" of Dan 9 itself—is also unsatisfactory. The angelic message of Dan 9:24–37 is not in itself a command to return and rebuild Jerusalem, but refers to one that presumably would be known to its readers.⁵⁶

It seems that the most obvious candidate for "the word to restore and rebuild" is frequently overlooked. This is Cyrus' edict of 537 B.C.E.⁵⁷ authorizing the return of any Judeans who wished to rebuild the temple in Jerusalem.⁵⁸ From Ezra 1:1–4, 2 Chron 36:22–23, and Isa 44:24–28 it is apparent that it was *this* decree of return that exercised the most influence over Jewish historical memory, and was widely regarded as fulfilling the prophecy of Jeremiah (and Isaiah) concerning the end of the exile. Since Jeremiah's prophecy was already mentioned in Dan 9:2, and Cyrus' edict was widely considered the fulfillment of that prophecy, arguably it is Cyrus' edict that would first come to mind for Daniel's readers when a "word to restore and rebuild Jerusalem" is mentioned in Dan 9:24.⁵⁹

⁵⁴ One might argue that Jer 29:10–14 speaks about the rebuilding and restoration of Jerusalem. But in fact, a close reading of the text confirms it is not about the rebuilding of the city, which is not even destroyed yet; but about the restoration of the fortunes of that portion of the population of Jerusalem which has been exiled.

⁵⁵ Collins, *Daniel*, 355.

⁵⁶ Cf. Goldingay, *Daniel*, 260: "The coming forth of a word from the mouth of Yahweh has already been referred to in v 23, but v 25 surely refers to a different proclamation . . . The term is one for a solemn royal proclamation (e.g. Esth 1:19; Isa 2:3; 45:23; 48:3; 51:4; 55:11)."

⁵⁷ Following Hasel's dating ("Interpretations," 41).

⁵⁸ Cf. Vern Sheridan Poythress, "Hermeneutical Factors in Determining the Beginning of the Seventy Weeks (Daniel 9:25)," *TrinJ* 6 (1985): 131–49. Jürgen-Christian Lebram, *Das Buch Daniel* (Zürcher Biblekommentar AT 23; Zürich: Theologischer Verlag Zürich, 1984), 109, also accepts Cyrus' edict as the *terminus a quo* of the "seventy weeks."

⁵⁹ Some have argued that Cyrus' decree cannot fulfill the description of Dan 9:24, because the text of the decree as related in Ezra 1:1–4 and 2 Chron 36:22–23 says nothing about rebuilding the *city*, but only the *temple*—yet it is specifically the

Taking Cyrus' edict as the *terminus a quo* of the "seventy weeks" implies that the "seventy weeks" are not the same period as Jeremiah's "seventy years," but a successor to the "seventy years" which begins when the "seventy years" end.⁶⁰ Jeremiah's "seventy years for Babylon" and the "desolations of Jerusalem" end with the fall of Babylon and the issuance of the "word to return and rebuild Jerusalem" through Cyrus. After this time, Jerusalem is no longer completely "desolate," since her population begins to swell again, the city begins to be rebuilt, and the temple is functioning within a relatively short time (c. 516 B.C.E.).⁶¹ Yet the promises of Jer 29:10–14 have not been

city that is mentioned in v. 24 (Hasel, "Interpretation," 50). However, there is a very close association of the city and the sanctuary, both historically and in the context of Dan 9. Historically, Cyrus' decree to rebuild the temple would necessarily have allowed some rebuilding of Jerusalem (for where else were the temple personnel to live?); and in the context of Dan 9, the city and sanctuary are frequently mentioned in the same breath (vv. 16, 17–18, 26). Moreover, Isa 44:28 is clear testimony that Cyrus' decree was understood by the Jews as including authorization to rebuild the city as well: "I am the same who says of Cyrus, 'He is my shepherd; He shall fulfill all my purposes! He shall say of Jerusalem, 'She shall be rebuilt,' and to the temple: 'You shall be found again'" (NJPS). It is not difficult to believe that the author of Daniel shared the understanding of Cyrus' decree represented in this Isaianic passage, i.e. that it included authorization to rebuild the city.

Collins cannot accept Cyrus' edict as "the word to restore and rebuild" because "the word must be taken as the divine word rather than the decree of a Persian king" (Collins, *Daniel*, 354). Collins does not explain, however, why this "must" be so. Furthermore, it seems to us that he fails to take account of the fact that Isaiah bears witness to a Jewish understanding of Cyrus as a divinely ordained servant of God, an anointed one or "messiah" (Isa 44:26–28). The parallelism between Isa 44:26 and 44:28 clearly implies that Cyrus' decree is really the LORD's. Furthermore, both Ezra 1:1–4 and 2 Chron 36 ascribe the initiative behind Cyrus' decree to the LORD, who roused Cyrus' spirit for this purpose. Therefore, Cyrus' decree *is* a "divine word." Cf. Johnstone, 2 *Chronicles* 10–36, 274 on 2 Chron 36:22: "Any motives of political self-interest that Cyrus may have had are beside the point. Cyrus' edict is first and last 'to fulfil the Word of the LORD in the mouth of Jeremiah'. It is the LORD who 'stirred up the spirit of Cyrus, king of Persia': this is an inspiration of a truly prophetic character (1 Chron. 5.26) . . . The decision is final and as canonical as any other Scripture."

⁶⁰ If the "seventy weeks" are taken to be an explication of the true meaning of Jeremiah's "seventy years," then the claim of the text would be that Jeremiah's "seventy years for Babylon" did not begin until Babylon fell and the decree to return and rebuild the temple was issued. This claim seems a bit too strained to attribute to the author of Daniel, even given the apocalyptic genre. In any event, the text does not claim to be explicating Jeremiah's "seventy years."

⁶¹ Cf. Goldingay, *Daniel*, 250–51: "The term [desolation] suggests the wasting of a place: the devastation and ruin of what is built and the consequent emptying of what is inhabited." Historically speaking, Jerusalem was not "desolate" during the whole Second Temple period, and there is no direct evidence, at least, to claim

experienced in their fullness. Therefore, the 490-year period is a “liminal” time, in which the city, sanctuary, and people experience a partial fulfillment of the divine promises and live in anticipation of the final fulfillment to come.

In sum, the message of Gabriel responds to Daniel’s prayer for the restoration of Jerusalem and its temple by revealing the time frame during which God would fulfill the promise of Jer 29:10–14 to “restore the fortunes” of the Jerusalemites. Daniel’s urgent plea for the return of God’s favor to the city and sanctuary receives mixed consolation in Gabriel’s reply: the restoration would indeed take place, but over 490 years, i.e. ten jubilees. At the end of that period a brief but terrible crisis would directly precede the inauguration of the eschatological era.

3.4. *The Use of the Jubilee in Daniel 9*

Having provided a rudimentary interpretation of the chapter, we may now turn our attention specifically to the use of the jubilee as a concept and symbol in Dan 9. The fact that the “seventy weeks” of years may be interpreted as ten jubilee cycles has been widely recognized.⁶² However, John Goldingay demurs, insisting that if the author had intended to refer to jubilees, he would have said so explicitly.⁶³ Goldingay’s objection must be addressed: are we justified in seeing jubilar imagery in the chapter in the absence of an explicit mention of the institution? We would answer in the affirmative, for several reasons: (1) the passage is universally recognized as speaking of “weeks” of years, and the most explicit biblical precedent for the concept of a “week of years” is found in Lev 25:8, which concerns

that the author of Daniel thought it was. Indeed, since in the seventieth week a “leader” arrives who *does* render the city and sanctuary “desolate,” this implies that neither city nor sanctuary was “desolate” before he arrived, i.e. Jerusalem was not “desolate” during the 62-week period.

⁶² Grelot, “Soixante-dix semaines,” 182–86; Doukhan, “Seventy Weeks,” 8, 20; Fishbane, *Biblical Interpretation*, 486; Collins, *Daniel*, 352–53; Paul L. Redditt, “Daniel 9: Its Structure and Meaning,” *CBQ* 62 (2000): 247; Tim Meadowcroft, “Exploring the Dismal Swamp: The Identity of the Anointed One in Daniel 9:24–27,” *JBL* 120 (2001): 433; Devorah Dimant, “The Seventy Weeks Chronology (Dan 9,24–27) in the Light of New Qumranic Texts,” in *The Book of Daniel in the Light of New Findings* (ed. A. S. van der Woude; BETL 106; Leuven: Peeters, 1993), 57–76; André Lacocque, *The Book of Daniel* (trans. David Pellauer; Atlanta: John Knox, 1979), 178, 192.

⁶³ Goldingay, *Daniel*, 267.

the calculation of the *jubilee* year, (2) the author also seems to assume the interpretation of Jeremiah's "seventy years" as missed sabbatical years as per 2 Chron 26:21, which establishes a link with Lev 25:1–7 and 26:34–35,⁶⁴ and (3) the Day-of-Atonement imagery in the text, such as the reference to "atonement for iniquity" (כַּפֶּר עוֹן, Dan 9:24), is also relevant, since the jubilee was proclaimed on the Day of Atonement.⁶⁵ Furthermore, in light of the intimate relationship between Lev 25 and 26 that we have argued above (pp. 81–83), it is also relevant that Dan 9 seems to relate closely to Lev 26: (1) it has already been shown how the prayer of Dan 9:3–19 corresponds quite closely to the requirements for penitence in exile found in Lev 26:39–42; (2) there are also important keywords shared by Lev 26 and Dan 9, such as שָׁמָם, "desolate," and its derivatives (Lev 26:22, 31, 32 [bis], 33, 34, 35, 43), particularly the desolation of the sanctuary (Lev 26:31, וְהִשְׁמֹתִי אֶת־מִקְדָּשֵׁיכֶם; Dan 9:17, עַל־מִקְדָּשֶׁךְ הַשָּׁמָם, וְהָאָרֶץ פִּנְיָה); the *hithpaal* of יָדָה, "to confess" (Lev 26:40, Dan 9:2, 20), עוֹן, "iniquity" (Lev 26:39 [bis], 40, 41, 43; Dan 9:13, 16, 24), particularly the iniquity of the fathers (Lev 26:40, Dan 9:16), and (3) the sevenfold extension of Jeremiah's "seventy years" to "seventy weeks of years" seems based on the principle that failure to repent in the face of God's discipline results in sevenfold greater discipline, as articulated in Lev 26:18, 21, 24, 28. In light of these interrelationships, it seems reasonable to believe that the author of Dan 9 was intentionally drawing on the ideas and terms of Lev 25–26 in composing his text⁶⁶—and if this is the case, it is difficult to imagine that the author was not aware of the jubiliary significance of "seventy weeks" or 490 years, especially since several other Second

⁶⁴ E.g. Reddit, "Daniel 9," 247; Meadowcroft, "Exploring," 433.

⁶⁵ There are other "Day of Atonement" themes at work in the chapter: for example, the prayer of "confession" (*hithpaal* of יָדָה), which Daniel prays in vv. 3–19, is also part of the rite for the Day of Atonement in Lev 16. For this reason Lacocque suggests the original setting of the prayer was a *yom kippur* liturgy ("Liturgical Prayer," 141). Lacocque stresses the close relationship between Day of Atonement and jubilee themes: "Charles . . . has not seen the close relation between the jubiliary division of time in Dan. 9 and the Great Day of Forgiveness *Yom ha-kippurim* . . . There is no doubt that an eschatological accent here [in the Day of Atonement/Jubilee] has been taken up by Daniel" (*Daniel*, 192).

⁶⁶ Meadowcroft, "Exploring," 433: "The applicability of Lev 25–26 with its jubilee theology and 2 Chr 36:18–21 with its schematic reinterpretation has been amply demonstrated."

Temple documents held to be roughly contemporaneous with the book of Daniel also use jubilarly chronology.⁶⁷ Thus, we conclude, against Goldingay and with the majority of commentators on Daniel, that the 490 years represent ten jubilee cycles.

Realizing that the idea of jubilee lies behind the “seventy weeks” of years may not provide the reader with any more information that cannot be gained from what the text says explicitly, but it adds theological color and resonance to the images of the text. Ten jubilees constitute a period of quintessential completeness: ten, somewhat like the number seven, symbolizes wholeness, completeness, integrity.⁶⁸ It may be significant that the Day of Atonement, on which the jubilee was proclaimed, fell on the *tenth* day of the *seventh* month. At the end of the period of ten jubilees, then, all will be complete: sin will be finished, iniquity atoned for, and “eternal righteousness” ushered in (Dan 9:24).

Above it was argued that the jubilee was the socio-economic expression of the Day of Atonement (pp. 91–92). Just as the Day of Atonement re-establishes wholeness in the cultic and spiritual realm, the jubilee re-establishes it in the social and economic realms. The use of jubilarly chronology by the author of Daniel implies that at the end of his envisioned period of “seventy weeks,” not only will sin be atoned for (Dan 9:24), but Israel will be released from socio-economic bondage and return (שוב) to her land, as promised by the prophets, particularly Jer 29 (cf. v. 14), which is the key prophetic passage to which Dan 9 responds and on which it builds.

There is a relationship between the way the desolation of the seventieth week ushers in the eschatological era, and the way the seventh sabbatical year ushers in the year of jubilee. It has been argued above that—following the pattern of the Feast of Weeks (Pentecost)—the jubilee year did not coincide with the sabbatical year but followed it immediately (p. 90). It can also be seen that Daniel’s “seventy weeks” of years are comprised of ten units of seven weeks (i.e. jubilees):

⁶⁷ See Dimant, “Seventy Weeks.”

⁶⁸ Cf. Keith A. Burton, “Numbers,” in *Eerdmans Dictionary of the Bible* (ed. D. N. Freedman; Grand Rapids: Eerdmans, 2000), 974.

Jubilee Cycles	Regular Year Weeks Actual year ranges in italics: (1–7) Jubilee years in bold: 50						Sabbath Weeks
	Week 1	2	3	4	5	6	
1	<i>(Yrs. 1–7)</i>	<i>(8–14)</i>	<i>(15–21)</i>	<i>(22–28)</i>	<i>(29–35)</i>	<i>(66–42)</i>	<i>(43–49)</i>
2	8 (50–56)	9 <i>(57–63)</i>	10 <i>(64–70)</i>	11 <i>(71–77)</i>	12 <i>(78–84)</i>	13 <i>(85–91)</i>	14 <i>(92–98)</i>
3	15 (99–105)	16 <i>(106–12)</i>	17 <i>(113–19)</i>	18 <i>(120–26)</i>	19 <i>(127–33)</i>	20 <i>(134–40)</i>	21 <i>(141–47)</i>
4	22 (148–54)	23 <i>(155–61)</i>	24 <i>(162–68)</i>	25 <i>(169–75)</i>	26 <i>(176–82)</i>	27 <i>(183–89)</i>	28 <i>(190–96)</i>
5	29 (197–203)	30 <i>(204–10)</i>	31 <i>(211–17)</i>	32 <i>(218–24)</i>	33 <i>(225–31)</i>	34 <i>(232–38)</i>	35 <i>(239–45)</i>
6	36 (246–52)	37 <i>(253–59)</i>	38 <i>(260–66)</i>	39 <i>(267–73)</i>	40 <i>(274–80)</i>	41 <i>(281–87)</i>	42 <i>(288–94)</i>
7	43 (295–301)	44 <i>(302–8)</i>	45 <i>(309–15)</i>	46 <i>(316–22)</i>	47 <i>(323–29)</i>	48 <i>(330–36)</i>	49 <i>(337–43)</i>
8	50 (344–50)	51 <i>(351–57)</i>	52 <i>(358–64)</i>	53 <i>(365–71)</i>	54 <i>(372–78)</i>	55 <i>(379–85)</i>	56 <i>(386–92)</i>
9	57 (393–99)	58 <i>(400–406)</i>	59 <i>(407–13)</i>	60 <i>(414–20)</i>	61 <i>(421–27)</i>	62 <i>(428–34)</i>	63 <i>(435–41)</i>
10	64 (442–48)	65 <i>(449–55)</i>	66 <i>(456–62)</i>	67 <i>(463–69)</i>	68 <i>(470–76)</i>	69 <i>(477–83)</i>	70 <i>(484–90)</i>
Year 491, the 50th Year of 10th Jubilee Cycle: The Tenth or “Eschatological” Jubilee and the inauguration of the final age							

Figure 7.1. Daniel’s Seventy Weeks of Years in Jubilary Perspective

Each row above is a jubilee cycle, a “week of weeks.” The seventh “week” of each “week of weeks” is in a certain sense a “sabbath” week. It is on the tenth “sabbath” week, i.e. the seventieth week, that the ultimate “desolation” is poured out on Jerusalem and its people (Dan 9:26).⁶⁹ We would argue that there is a certain appro-

⁶⁹ One might ask why the author of Daniel did not work with a period of forty-nine weeks, such that the fiftieth week would be a “jubilee” week. While such a system would be in perfect symmetry with the jubilee cycle, it seems that the author took a different approach. He envisions nine jubilee cycles which are “abortive,” i.e. they fail to result in a true jubilee because the determined time has not arrived. Only the tenth jubilee, when all is complete, will result in the true, eschatological jubilee year.

priateness to the “desolation” of the tenth sabbath. Already in Lev 26:34–35 we see the ironic principle that when the land lies desolate, it “rests” and fulfills the sabbath. This principle is recognized also in 2 Chron 36:21 (on which most commentators believe the author of Daniel draws): the destroyed land, during the exile, “rests” and experiences sabbath. One might say, then, that in the apocalyptic chronology of Dan 9:24–27, on the tenth or final “sabbath week,” the city, sanctuary, and messiah observe the sabbath with a vengeance: they “rest” by lying “desolate.” It is only after this extreme form of sabbath observance that the “eschatological jubilee” is ushered in, just as the jubilee does not arrive until *after* the last sabbath year of the jubilee cycle.

We would also argue that there is an intimate relationship between the destruction of the city and sanctuary (Dan 9:26) and the “atonement for iniquity” (Dan 9:24). Jacob Milgrom⁷⁰ and others⁷¹ have pointed out that the logic behind the levitical system of ritual purity and purgation (atonement) rests on the principle that the sins of the people are transferred to the sanctuary and accumulate there, only to be completely purged once a year (*yom kippur*). But if the sins of the people accumulate at the sanctuary, and proper purgation cannot be performed (perhaps because of an invalid priesthood?), an extreme means to remove the sins of the people would be to destroy the sanctuary altogether. Why also the city? Perhaps because the author of Daniel—like Ezekiel before him—envisioned the holiness of the sanctuary encompassing the entire “Holy City” of Jerusalem. Whereas previously the Name dwelt in the temple (e.g. 1 Kgs 8:16–18 *et passim*), for Daniel the name is attached to the entire city (Dan 9:19).

Thus, in Dan 9:26—on the tenth “sabbath” week—the messiah, city, and sanctuary observe “sabbath” by lying desolate, and the city and sanctuary are destroyed in an extreme form of atonement for the iniquity of the people. This act of atonement ushers in “everlasting righteousness”, i.e. the eschatological jubilee-restoration of Israel, just as the ancient ritual of atonement on *yom kippur* preceded the proclamation of the jubilee year.

⁷⁰ Jacob Milgrom, “Israel’s Sanctuary: The Priestly ‘Picture of Dorian Gray,’” *RB* 83 (1976): 390–99.

⁷¹ A. M. Rodriguez, “Transfer of Sin in Leviticus,” in *70 Weeks, Leviticus, Nature of Prophecy* (ed. Frank B. Holbrook; Washington D.C.: Biblical Research Institute, 1986), 169–97.

Finally, one must note that in Dan 9, as in Isa 61, the coming of the eschatological jubilee is associated with the coming of a messiah. Several different aspects of Dan 9:24–27 lend themselves to messianic interpretation. For example, the climactic infinitive phrase describing the purpose of the “seventy weeks” in v. 24 is *וּלְמַשַּׁח קֹדֶשׁ קִדְשִׁים*, “to anoint a holy of holies.” While *קֹדֶשׁ קִדְשִׁים* is usually taken to mean the temple, the phrase is ambiguous and could be taken to refer to a messianic figure.⁷² Furthermore, vv. 25–27 mention one or two messiahs: if one follows the readings of the ancient versions, then a messiah appears after sixty-nine weeks (v. 25) and is soon “cut off” in the desolation of the seventieth week (v. 26).⁷³ According to the MT, a messiah appears after seven weeks (v. 25), i.e. at the end of the first jubilee; and a presumably different messiah is cut off after 62 weeks (v. 26a).⁷⁴ Under either reading the “cutting off” of the messiah is an important event in the seventieth week, the desolations of which usher in the eschatological jubilee year. What happens to the messiah after the seventieth year is not said, but presumably he is restored or replaced in the ensuing restoration of the nation.

Thus, we see the association of messiah and jubilee in Dan 9, just as was seen in the texts of Isaiah explored earlier. William H. Brownlee, in fact, suggests that Dan 9 reflects a certain reading of Isa 52:13–53:12, particularly 52:14–15, according to which there is a play on the words *מְשִׁיחַ* (“anointed”) and *מְשַׁחִית* (“marred” or “destroyed”).⁷⁵ It is striking that Dan 9:26 can be read: “The messiah (*מְשִׁיחַ*) will be cut off and have nothing; and the city and sanctuary will be destroyed (*יִשְׁחָת*, cf. *מְשַׁחִית* in Isa 52:14) [together] with the coming prince [i.e. the messiah].”⁷⁶ If the Isaianic “servant of

⁷² So argues J. Barton Payne, “The Goal of Daniel’s Seventy Weeks,” *JETS* 21 (1978): 105.

⁷³ Cf. Beckwith, “Daniel 9,” for a discussion of the ancient versions.

⁷⁴ One can see why the ancient versions preferred to understand the messiah as appearing after 69 weeks: with the MT reading, nothing is said of the end of the first messiah, nor of the origin of the second; and yet if the two are the same, nothing is said of this messiah’s activity during the 62 weeks.

⁷⁵ William H. Brownlee, “The Servant of the LORD in the Qumran Scrolls I,” *BASOR* 132 (1953): 8–11. Brownlee argues that *מְשַׁחִית* is “equally possible the construct of the noun *anointing* as of the noun *marring*” (“Servant,” 11), and in any event 1QIsa^a has the reading *מְשִׁחִי* (“I anointed”) for the MT *מְשַׁחִית* (“marred”). The connection of Dan 9:26 with Isa 52:14 could be strengthened by noting the occurrence of the root *שַׁחַח* in Isa 52:14a and Dan 9:26c.

⁷⁶ Reading *עַם* as *‘im* instead of *‘am*; cf. Brownlee, “Servant,” 13 n. 21.

the LORD” is identified with the “anointed one” of Isa 61 (facilitated by e.g. Isa 42:1), and Isa 52:14–53:13 is read together with Isa 61:1–9, one is struck by the similarity of themes to those of Dan 9:24–27: a messiah who suffers and/or dies, atonement for sin, restoration of Jerusalem, the overcoming of “desolations,” and an eschatological jubilee for God’s people.⁷⁷

It seems that Brownlee may be correct in suggesting that Dan 9:24–27 does display some reflection on relevant Isaianic passages concerning the “servant of the LORD”/“anointed one”; but even if such reflection was not in the mind of the author of Daniel, the exegetical associations between Daniel and Isaiah were ripe and ready to be picked by later readers, as we shall see in our study of 11QM^{elch} below.

3.5. *Summary*

In Dan 9, the prophet Daniel is portrayed as “understanding” the prophecy of Jeremiah concerning the “seventy years” of Babylon’s dominance and Jerusalem’s “desolation.” Seeing that Babylon’s dominance is over, and thus that the seventy years must be at or near their end, the prophet offers a prayer of repentance to God in fulfillment of the requisite conditions for the restoration of Jerusalem as stipulated in Jeremiah’s prophecy (Jer 29:12–13) and the relevant passages of the Torah (Lev 26:39–42, Deut 30:1–4). In response to his prayer, the angel Gabriel appears to inform Daniel that the promised restoration of the city and its people will take place over a period of “seventy weeks” of years, or ten jubilees. Possibly after the first jubilee, a messianic figure will appear, and near the end of the tenth, one will be “cut off.” The seventh or “sabbath” week of the tenth jubilee will witness a “sabbath rest” of “desolation” on the city, people, and messiah. Their ensuing restoration in the 491st year (i.e. year of the eschatological jubilee) is not described but is implied by the hopeful descriptions of the “seventy week” period in v. 24.

Daniel 9, like certain passages of Isaiah (e.g. Isa 61), associates the coming of a messiah with the inauguration of a jubilee for

⁷⁷ Along similar lines, Roy Rosenberg points out that Jews in antiquity could have read Dan 9:26 together with Zech 3:8, Jer 32:5, and Isa 53:2 & 11 to arrive at the conclusion that a Davidic Messiah would come, flourish, and be “cut down” (“The Slain Messiah in the Old Testament,” *ZAW* 99 (1987): 259–61).

Jerusalem and its people. The “cutting off” of the messiah in Dan 9:26 accords well with readings of Isaiah which identify the “anointed one” of e.g. Isa 61:1 with the suffering “servant of the LORD” of Isa 52:13–53:12. These parallels would be exploited in later Second Temple exegesis.

4. *Conclusion*

This chapter has explored three books of the Writings with possible or actual relevance to the jubilee and its history of interpretation: Ezra-Nehemiah, 2 Chronicles, and Daniel. The narrative material in Ezra-Nehemiah was judged irrelevant to the historical reconstruction of the jubilee’s origin or subsequent development. The final verses of 2 Chronicles, however, provided evidence of jubiliary thinking: the interpretation of Jeremiah’s “seventy years” as applying to the exile and representing missed sabbatical years implies a period of 490 years, or ten jubilees, in which Israel did not properly observe the divine law. There may also be jubiliary significance to the Chronicler’s arrangement of genealogies such that the final, exilic generation—to which Cyrus’ decree of return is issued—is the fiftieth from Adam.

Daniel 9 seems to assume the same association of Jer 25:11, 29:10 with Lev 26:34–35, 43 as was seen in 2 Chron 36:20–21. The angel Gabriel, in response to Daniel’s prayer of confession fulfilling the conditions of Jer 29:12–13 and Lev 26:39–42, reveals to Daniel a period of 490 years, or ten jubilees, for the restoration of Jerusalem, at the end of which a messiah, the city, and temple will atone for the people by “resting” in “desolation” before an implied inauguration of an eschatological jubilee year.

CHAPTER NINE

THE JUBILEE IN SECOND TEMPLE LITERATURE

This chapter will examine the use of the jubilee concept in three Second Temple works produced before the formation of the Qumran community: *Jubilees*, *1 Enoch*, and the *Testaments of the Twelve Patriarchs*. All of these works expand upon the practice of schematizing history in terms of jubilee periods embryonically present in Dan 9:24–27. While the jubilee is primarily used for chronology and chronography, its significance as a symbol of socio-economic liberation and restitution is not completely lost.

1. *The Jubilee in Jubilees*

The *Book of Jubilees* comprises a re-writing of biblical history as contained in Genesis and the first half of Exodus, narrating the events from creation to Moses' reception of the law at Sinai. The best recent assessments of the date and provenance of the work attribute it to a Palestinian Jew of the mid-second century B.C.E. who was concerned to defend the authority of the Mosaic law against the encroachments of Hellenistic culture.¹ The author was particularly concerned for the proper observation of the Sabbath and other holy days. Proper observation entailed the accurate calculation of the dates of such festivals; for this reason, the author of *Jubilees* vigorously promoted a solar calendar of 364 days. Such a calendar, comprised of exactly 52 weeks, possessed the singular advantage that every holy day recurred each year on the same day of the week, and never on a Sabbath.

While the 364-day calendar of *Jubilees* has attracted a great deal of scholarly interest,² it is actually "his chronology, not his calendar,

¹ See James C. VanderKam, *The Book of Jubilees* (Guides to the Apocrypha and Pseudepigrapha; Sheffield: Sheffield Academic Press, 2001), 17–21, 141–43.

² The following are a sampling of essays on the subject: Joseph M. Baumgarten, "The Calendars of the Book of Jubilees and the Temple Scroll," *VT* 37 (1987): 71–78; Roger T. Beckwith, "The Significance of the Calendar for Interpreting Essene Chronology and Eschatology," *RvQ* 10 (1980): 167–202; Hans Burgmann,

[that was] the object of primary interest to the writer of the *Book of Jubilees*.³ The author devotes considerable effort to the “exact” dating of biblical events according to a tripartite structure of years, weeks of years, and jubilees. In the book the term “jubilee” (יובל), in fact, usually refers not to the fiftieth year of “liberation” (דְּרוֹר) as in the Bible, but to the forty-nine-year period concluded by a jubilee year.⁴ The whole of biblical history from creation to the entrance into Canaan is fitted into a structure of fifty jubilees, as the following passage, spoken by the Angel of the Presence to Moses on Sinai, makes clear:

50:2. On Mt. Sinai I told you about the Sabbaths of the land and the years of jubilees in the sabbaths of the years, but its year we have not told you until the time when you enter the land which you will possess. 3. The land will observe its Sabbaths when they live on it, and they are to know the year of jubilee. 4. For this reason I have arranged for you the weeks of years and the jubilees—49 jubilees from the time of Adam until today, and one week and two years. It is still 40 years off (for learning the Lord’s commandments) until the time when he leads (them) across to the land of Canaan, after they have crossed the Jordan to the west of it. 5. The jubilees will pass by until Israel is pure of every sexual evil, impurity, contamination, sin, and error. Then they will live confidently in the entire land. They will no longer have any satan or evil person. The land will be pure from that time until eternity.⁵

“Die Interkalation in den Sieben Jahrwochen des Sonnenkalendars,” *RvQ* 10 (1979): 67–81; Henri Cazelles, “Sur les origines du calendrier des Jubilés,” *Bib* 43 (1962): 202–16; Earle Hilgert, “The Jubilees Calendar and the Origin of Sunday Observance,” *AUSS* 1 (1963): 44–51; Sidney B. Hoenig, “The Jubilees Calendar and the ‘Days of Assembly,’” in *Essays on the Occasion of the Seventieth Anniversary of The Dropsie University* (ed. A. I. Katsh and L. Nemoy; Philadelphia: The Dropsie University, 1979), 189–201; A. Jaubert, “Le calendrier des Jubilés et les jours liturgiques de la semaine,” *VT* 7 (1957): 35–61; eadem, “Le calendrier des Jubilés et de la secte de Qumrân. Ses origines bibliques,” *VT* 3 (1953): 250–64; Ernst Kutsch, “Der Kalender des Jubiläenbuches und das Alte und das Neue Testament,” *VT* 11 (1961): 39–47; idem, “Die Solstitien im Kalender des Jubiläenbuches und in Äth. Henoch 72,” *VT* 12 (1962): 205–7; E. R. Leach, “A Possible Method of Intercalation for the Calendar of the Book of Jubilees,” *VT* 7 (1957): 392–97; Julian Morgenstern, “The Calendar of the Book of Jubilees, Its Origin and Its Character,” *VT* 5 (1955): 34–76.

³ Ernest Wiesenberg, “The Jubilee of *Jubilees*,” *RvQ* 3 (1961–62): 4; quoted by VanderKam, “Studies in the Chronology of the *Book of Jubilees*,” in *From Revelation to Canon: Studies in the Hebrew Bible and Second Temple Literature* (JSJSup 62; Leiden: Brill, 2000), 522.

⁴ VanderKam, “Chronology of *Jubilees*,” 524–25.

⁵ All quotations of *Jubilees* are taken from O. S. Wintermute, “*Jubilees*,” in *The Old Testament Pseudepigrapha* (ed. J. H. Charlesworth; 2 vols.; ABRL; New York: Doubleday, 1983), 2:52–142.

According to the usual interpretation, the figure "49 jubilees, one week and two years" apparently places this event in the year 2410 A.M., the ninth year of the fiftieth jubilee. The entrance to the land is still 40 years off, i.e. to take place in 2450 A.M., which is ($50 \times 49 = 2450$) the forty-ninth year of the fiftieth jubilee (cycle) since creation. (A different method of calculation that yields dates of 2411 and 2451 A.M. respectively will be examined below.) Thus, according to the book of jubilees, both the release from Egyptian bondage and the entrance into Canaan take place in the fiftieth jubilee cycle.

This is by no means accidental. The year of jubilee involved both the redemption from "slavery" (Lev 25:35–55, cf. v. 55 which makes direct mention of liberation from Egyptian bondage) and the return to ancestral property (vv. 13–34). It is clear from *Jub.* 9:1–15 and 10:27–34 that Palestine was the ancestral inheritance of the descendants of Shem (i.e. of Israel) and from *Jub.* 9:14–15 and 10:27–34 that the Canaanites had unjustly possessed it. Therefore, the entrance into Canaan is, for *Jubilees*, a return of alienated ancestral real estate. In sum, then, all the benefits applied to the individual Israelite in the year of jubilee according to Lev 25 are applied to the nation of Israel in the fiftieth jubilee from creation.⁶ There is a *corporate reapplication* of the jubilee from the individual Israelite debtor to the nation as a whole. Therefore, although the primary use of the term "jubilee" in *Jubilees* is as a chronological division, the legal and, in a sense, eschatological significance of the jubilee year have not been forgotten by the author.

Curiously, however, unlike other Second Temple "apocalyptic" texts which use jubilee cycles to schematize history up to the inbreaking of the messianic and/or eschatological age, *Jubilees* terminates its schematic structure with the entrance into the land. All we are told of the rest of Israel's history is that "jubilees will pass by until Israel is pure . . . until eternity." While some scholars feel that *Jubilees* implies another fifty jubilees (2450 years, for a total of 4900 years from creation) will pass by until the eschaton,⁷ this cannot be known with certainty.⁸

⁶ Cf. VanderKam, "Chronology of *Jubilees*," 543: "Thus, what happens to the nation in the fiftieth jubilee exactly parallels what happens to the individual in the fiftieth year."

⁷ E.g. Ben Z. Wacholder, "The Date of the Eschaton in the Book of *Jubilees*: A Commentary on *Jub.* 49:22–50:5, CD 1:1–10, and 16:2–3," *HUCA* 56 (1985): 87–101.

⁸ Cf. VanderKam, "Chronology of *Jubilees*," 544.

Some comment is in order concerning the method by which *Jubilees* calculates jubilee cycles and jubilee years. As noted above, the term “jubilee” in *Jubilees* usually refers to a jubilee cycle of forty-nine years, but may also refer to the year of jubilee proper. It is abundantly clear that *Jubilees* regards a jubilee period as forty-nine years.⁹ It is also clear, however, that book associates the number fifty with the jubilee year: the climactic events of the exodus and entrance to the land take place in the *fiftieth*, not *forty-ninth*, jubilee period. How is the relationship between these two competing figures for the jubilee—fifty and forty-nine—to be reconciled? The only way to do so is to adopt the method of calculation of the jubilee expounded by R. Judah in the Mishnah (*b. Ned.* 61a): the jubilee year is simultaneously the fiftieth year of the old jubilee cycle and the first year of the new.¹⁰ This indeed, we would suggest, is the principle the author of *Jubilees* embraces.

Ernest Wiesenberg has adduced evidence that would lend support to such a view. As Wiesenberg points out, it is possible that the angelic communication with Moses of *Jubilees* 50:2–5 takes place in 2411 A.M., and the entrance to the land in 2451 A.M.¹¹ Wiesenberg’s argument runs as follows: In *Jubilees* 48:2 Moses returns from Midian in the second week in the second year in the fiftieth jubilee, i.e. 2410 A.M. However, the Israelites do not depart from Egypt until the fifteenth day of the first month (*Jub.* 48:19). Since it can be demonstrated that in *Jubilees*, the new year starts with the first month,¹² one can only conclude that either (1) the author of *Jubilees* thought the entire cycle of plagues and the struggle with Pharaoh took place in the first fourteen days of 2410 A.M., or (2) the Israelites did not leave Egypt until the first month of 2411 A.M. The latter option is more likely, but then this would place *Jub.* 50:2–5 in 2411 A.M. But can this be reconciled with the statement of the angel that there are “49 jubilees from the time of Adam until today, and one week and

⁹ Cf. VanderKam, “Chronology of *Jubilees*,” 523; Beckwith, “The Significance of the Calendar,” 167–68.

¹⁰ This would accord well with M. Testuz’s observation that both the biblical jubilee and the fiftieth jubilee cycle of *Jubilees* close an old era and inaugurate a new one. Cf. Testuz, *Les idées religieuses du Livre des Jubilés* (Geneva: Librairie D. Droz/Paris: Librairie Minard, 1960), 138–39. See also John S. Bergsma, “Once Again, the Jubilee, Every 49 or 50 Years?” *VT* 55 (2005): 121–25.

¹¹ Wiesenberg, “Jubilee of *Jubilees*.”

¹² Wiesenberg, “Jubilee of *Jubilees*,” 13–15.

two years"? This depends on what is meant by "the time of Adam." The usual interpretation treats "the time of Adam" in effect as Year 0 (zero), thus, "49 jubilees from the time of Adam until today, and one week and two years" from Year 0 yields 2410 A.M. ($0 + 2410 = 2410$). However, Adam was created on the sixth day of Year 1. If the "time of Adam" is treated as Year 1, the additional 2410 years would place the date at 2411 A.M. The entrance to the land, forty years hence, would then take place in 2451 A.M. But what is the significance of the year 2451 A.M.? It is the fiftieth *jubilee year* since creation. It might be objected that 2450 A.M. should be the jubilee year. This is not possible, however, since 2450 A.M. is the seventh sabbatical or forty-ninth year of a jubilee cycle, and the author clearly does not regard the jubilee as occurring in the forty-ninth year: otherwise the exodus and conquest should have taken place in the forty-ninth rather than fiftieth jubilee cycle. The year 2450 A.M., in fact, is a theologically awkward year in which to place the entrance and conquest; 2451 A.M., on the other hand, is the "jubilee of jubilees," the fiftieth jubilee since creation, and simultaneously the first year of the fifty-first (51st) jubilee cycle. This would harmonize with Lev 25:2, which seems to indicate that the year of the entrance into the land should be Year 1 of both the sabbatical and jubilee cycles (entrance in 2450 A.M. would place it in Year 7 of the sabbatical and Year 49 of the jubilee) and 4Q379, which also places the entrance into the land in Year 1 of the jubilee cycle.

Thus, Wiesenbergs's reading of the entrance into Canaan in 2451 A.M., the fiftieth jubilee year or "jubilee of jubilees," has much to commend it. It explains the apparent discrepancy in the dating between *Jub.* 48:2 and 50:2–5 by drawing on what would have had to have been the author's method of calculating the year in which the jubilee was observed. Therefore, R. Judah's understanding of the method of calculation of the jubilee, defended above (ch. 4), has ancient support in *Jubilees*.¹³

1.1. *Summary*

In the *Book of Jubilees*, the term "jubilee" primarily denotes a cycle of seven weeks (49) of years. All of history from creation to the

¹³ Cf. Joseph M. Baumgarten, "The Calendars of the Book of Jubilees and the Temple Scroll," *VT* 37 (1987): 73.

entrance into Canaan is arranged according to fifty such jubilee cycles. The Israelites are released from Egyptian slavery in the fiftieth jubilee cycle, and enter the land of Canaan in the fiftieth jubilee year from creation (2451 A.M.). Thus, in *Jubilees* the nation of Israel experiences a corporate jubilee liberation in the fiftieth jubilee cycle, particularly in the fiftieth jubilee *year*. The author seems to have regarded the jubilee as simultaneously the fiftieth year of the old jubilee cycle and the first year of the new.

2. *The Jubilee in 1 Enoch*

While the book of *1 Enoch* shares with *Jubilees* a concern for a 364-day solar calendar¹⁴ and certain other theological motifs, the two books are otherwise quite different in character. *Jubilees*, for example, is a literary unity;¹⁵ whereas the document known as *1 Enoch* is a collection of different works attributed to Enoch but composed over a period of a few centuries by different authors.¹⁶ One of the texts now incorporated into *1 Enoch* is of some relevance to the history of interpretation of the jubilee: the Apocalypse of Weeks (*1 Enoch* 91:11–17; 93:1–10).¹⁷

2.1. *The Apocalypse of Weeks*

The Apocalypse of Weeks has been dated to the early second century B.C.E., and is thus one of the older sections of *1 Enoch*.¹⁸ It seems clear that the Apocalypse, for reasons that remain obscure, has been

¹⁴ Cf. VanderKam, "The 364-Day Calendar in the Enochic Literature," *SBL Seminar Papers, 1983* (SBLSP 20; Chico, Calif.: Scholars Press, 1979), 157–61.

¹⁵ Cf. VanderKam, *The Book of Jubilees* (Guides to the Apocrypha and Pseudepigrapha; Sheffield: Sheffield Academic Press, 2001), 17–18.

¹⁶ See the convenient summary by E. Isaac, "1 (Ethiopic Apocalypse of) Enoch," in *The Old Testament Pseudepigrapha* (ed. J. H. Charlesworth; 2 vols.; ABRL; New York: Doubleday, 1983), 1:6–7.

¹⁷ The "Animal Apocalypse" found in *1 Enoch* 85–90, also speaks of a period in which Israel is ruled by "seventy shepherds." While the idea of "seventy shepherds" undoubtedly draws some inspiration from Jer 25 and the prophecy of "seventy years," there seems to be no reference to the concept of jubilee or Lev 25 in the Animal Apocalypse. See the discussion in VanderKam, "Sabbatical Chronologies in the Dead Sea Scrolls," in *The Dead Sea Scrolls in Their Historical Context* (ed. T. H. Lim; Edinburgh: T & T Clark, 2000), 166–67.

¹⁸ See Isaac, "1 Enoch," 7; VanderKam, "Studies in the Apocalypse of Weeks," *CBQ* 46 (1984): 511, 521–23.

dislocated in the extant manuscripts of *1 Enoch*: *1 Enoch* 91:11–17 ought to follow 93:1–10 as the logical continuation of the narrative.¹⁹ The re-connected text portrays Enoch as “predicting” the future of Israel—and the world, for that matter—as divided into ten “weeks.” The first five weeks cover the period from creation to the revelation at Sinai; week six the decline of the monarchy, destruction of Jerusalem, and exile; and week seven the post-exilic period, in which the author was living. It is worth quoting the descriptions of the sixth and seventh weeks:

8. After this there will arise a sixth week and all who live in it will become blind, and the hearts of all will stray from wisdom; and in it a man will ascend. And at its conclusion, the temple of the kingdom will be burned with fire; and in it the whole race of the chosen root will be dispersed. 9. After this, in the seventh week, there will arise a perverse generation, and many will be its deeds, and all its deeds will be perverse. 10. And at its conclusion, the chosen will be chosen, as witnesses of righteousness from the eternal plant of righteousness, to whom will be given sevenfold wisdom and knowledge. 91:11 And they will uproot the foundations of violence, and the structure of deceit in it, to execute judgment.²⁰

It is clear that the seventh week describes the post-exilic or Second Temple period, and it is almost certain that the author of the Apocalypse locates himself in this week.²¹ The description of this week is remarkable in its negativity; in contrast to Daniel 9:24–27, nothing is said of the rebuilding of the temple and city, no positive purposes are established for this period, and no messiahs arrive. The wholly negative view of post-exilic Judah may reflect the author’s rejection of the legitimacy of the Second Temple and its priesthood.²² Indeed, it is apparent from the description of week eight (91:13) that the author is still waiting for the true temple to be rebuilt.

Nonetheless, the conclusion of the seventh week is the turning point of the Apocalypse.²³ The succeeding weeks (eight, nine, and ten) are, as it were, “mopping up” operations in which righteousness vanquishes evil and the eschatological age arrives. The pivotal

¹⁹ VanderKam, “Apocalypse of Weeks,” 512; George W. E. Nickelsburg, *1 Enoch 1* (Hermeneia; Minneapolis: Fortress, 2001), 438.

²⁰ Translation is from Nickelsburg, *1 Enoch 1*, 434.

²¹ VanderKam, “Apocalypse of Weeks,” 521–23.

²² Cf. Nickelsburg, *1 Enoch*, 447.

²³ Cf. Nickelsburg, *1 Enoch*, 438, 447–48, Vanderkam, “Studies,” 521–23.

role in history is assigned to the “chosen” ones of the seventh week who will be given “sevenfold wisdom and knowledge” in order to “execute judgment.” This would refer to the author’s community or movement.²⁴

It is no accident that the writer places the turning point of history—and himself—at the conclusion of the seventh week. Seven weeks of years constitute a jubilee cycle (cf. Lev 25:8), the jubilee itself falling at the conclusion of the period. Thus, the apocalyptic author evokes rich jubilee imagery in describing the rise of the “chosen witnesses of righteousness” at the “conclusion” of the seventh week.²⁵ Liberation from oppression for God’s chosen people will be effected at this time, ushering in eras of successive increases of righteousness and glory.

Nonetheless, the eschaton does not arrive until the close of the tenth week:

91:15. After this, in the tenth week, the seventh part, (will be) the eternal judgement; and it will be executed on the watchers of the eternal heaven, and a fixed time of the great judgment will be rendered in the midst of the holy ones. 16. And the first heaven will pass away in it, and a new heaven will appear; and all the powers of the heavens will shine forever with sevenfold (brightness). After this there will be many weeks without number forever, in which they will do piety and righteousness, and from then on sin will never again be mentioned.²⁶

Thus, in the Apocalypse of Weeks we see another structuring of salvation history based on sevens and tens, with jubilee imagery, similar to *Jubilees* and Daniel 9:24–27.²⁷ However, there are notable differences. Dan 9:24–27 structures only the history of post-exilic Israel to the destruction of the temple and the cutting off of the messiah; by implication the eschaton is expected immediately thereafter. The Apocalypse of Weeks covers all of human history, does not anticipate the inbreaking of the eschatological age at the same point in history as Dan 9:24–27, nor places it directly after a schematic jubilee period. Moreover, after the ten weeks, the apocalyptic author expects “many weeks without number forever,” somewhat similar to *Jubilees*’ vision of a future in which “jubilees will pass by until Israel is pure . . . until eternity” (*Jub.* 50:5). The Apocalypse has no mes-

²⁴ VanderKam, “Apocalypse of Weeks,” 522.

²⁵ VanderKam, “Apocalypse of Weeks,” 522–23.

²⁶ Translation from Nickelsburg, *1 Enoch* 1, 435

²⁷ Nickelsburg, *1 Enoch*, 440.

sianic expectation,²⁸ and as noted above, its views on Jerusalem and the temple are distinct from those of Daniel.

Some comment should be given to the length of the “weeks” of which the Apocalypse speaks. It may be, as some have argued, that a “week” is nothing more than a synonym for “era”, and the lengths of the “weeks” differ widely.²⁹ This seems at odds, however, with the concern for precise time reckoning and schematization characteristic of the Enochic tradition. Klaus Koch has experimented with assigning various lengths of time to the “weeks,” and has made a plausible argument that the apocalyptic author worked with “weeks” of 490 years, to which the chronological data of the Bible can be made to correspond with some modifications.³⁰ If Koch is correct, then the Apocalypse of Weeks stands in the tradition of using a “great jubilee” (49 years \times 10) as a chronological division of history.³¹ The use of “great jubilees” introduces the possibility that the chronology of the Apocalypse coordinates with that of *Jubilees*, but it can quickly be seen that this is not the case. The Apocalypse places the Sinai event in the fourth week (93:6), which would conclude, according to Koch’s hypothesis, around 1960 A.M. Yet, as we have seen, in *Jubilees* the revelation at Sinai begins in 2410 or 2411 A.M. The chronologies of the two works do not correlate.

2.2. *Summary*

The Apocalypse of Weeks (1 *Enoch* 93:1–10; 91:11–17) divides all human history into ten “weeks,” and places the turning point of history at the end of the seventh “week,” a point in time which carries overtones of the jubilee. The “weeks” may be “great jubilee” periods of 490 years, based on revised biblical chronological data. While the schematization of history based on sevens and tens calls to mind the practice of *Jubilees* and Dan 9:24–27, the chronological structure of the Apocalypse is quite distinct from that of either of

²⁸ This is curious inasmuch as other parts of the Enoch tradition (e.g. the Similitudes, 1 *Enoch* 45–57) are heavily messianic.

²⁹ R. H. Charles, *The Book of Enoch, or 1 Enoch* (Oxford: Clarendon, 1912), 228–29; also Ferdinand Dexinger, *Henochs Zehnwochenapokalypse und offene Probleme der Apokalyptikforschung* (Leiden: Brill, 1977), 120.

³⁰ See Klaus Koch, “Sabbatstruktur der Geschichte: Die sogenannte Zehn-Wochen-Apokalypse (1 Hen 93_{1–10} 91_{11–17}) und das Ringen um die alttestamentlichen Chronologien im späten Israelitentum,” *ZAW* 95 (1983): 403–30; esp. 414–20.

³¹ Cf. Koch, “Sabbatsstruktur,” 420.

those works. The division of eras do not match between the Apocalypse and *Jubilees*; and the perspective on the post-exilic period, the rebuilding of the temple and city, the coming of the messiah, and the arrival of the eschaton are all quite distinct from that of Daniel 9:24–27.

3. *The Testament of Levi*

The *Testament of Levi* from the *Testaments of the Twelve Patriarchs* contains references to the division of times into both “seventy weeks” and “seven jubilees.” While the references to these time divisions are intriguing and obviously participate in the tradition of sabbatical and jubilarly chronologies seen in the documents studied above, the value of the *Testament of Levi* is somewhat diminished by the obscurity of the passages in which the references occur, and the disputed date and character of the work.

3.1. *Date and Provenance of the Testaments of the Twelve Patriarchs*

There are two basic schools of thought concerning the date and provenance of the *Testaments of the Twelve Patriarchs*. The first school regards the *Testaments* as essentially a Hellenistic Jewish document of the second century B.C.E., which received some Christian interpolations and editing in the second century C.E.³² The second school approaches the *Testaments* as a Christian document of the second century C.E. whose Jewish sources or *Vorlage* are irrecoverable.³³

³² E.g., Jürgen Becker, *Untersuchungen zur Entstehungsgeschichte der Testamente der Zwölf Patriarchen* (AGJU 8; Leiden: Brill, 1970); Elias J. Bickerman, “The Date of the Testaments of the Twelve Patriarchs,” *JBL* 69 (1950): 245–60; Robert H. Charles, *The Greek Versions of the Testaments of the Twelve Patriarchs* (Oxford: Oxford University Press, 1908), xlii–xliv; H. C. Kee, “Testaments of the Twelve Patriarchs: A New Translation and Introduction,” in *The Old Testament Pseudepigrapha* (ed. J. H. Charlesworth; 2 vols.; ABRL; New York: Doubleday, 1983), 1:777–78. Other proponents of this view are listed and discussed in the rather full account of the debate on the date and provenance of the *Testaments* in Robert A. Kugler, *The Testaments of the Twelve Patriarchs* (Guides to the Apocrypha and Pseudepigrapha; Sheffield: Sheffield Academic Press, 2001), 31–39. For an exhaustive review up to 1977, see H. Dixon Slingerland, *The Testaments of the Twelve Patriarchs: A Critical History of Research* (SBLMS 21; Missoula, Mont.: Scholars Press, 1977).

³³ Most notably H. W. Hollander and M. de Jonge, *The Testaments of the Twelve Patriarchs: A Commentary* (SVTP 8; Leiden: Brill, 1985), 82–85; and in all Marinus de Jonge’s work, e.g. *Testaments of the Twelve Patriarchs: A Study of Their Text, Composition, and Origin* (Leiden: Brill, 1953) and various essays in *Jewish Eschatology, Early Christian*

There is, of course, a large measure of agreement between the two schools. It is agreed, for example, that the text has a compositional history, and that this history begins in Hellenistic Jewish circles in the late third or second century B.C.E. and ends in Christian circles of the second century C.E. The disagreement concerns (1) the extent to which the document has been reworked from a Christian perspective, and (2) the feasibility of recovering an earlier, purely Jewish *Vorlage* of the present document.

Scholars of the first school believe that Christian redaction of the text is limited to relatively few passages, which can be easily excised to reveal a second-century B.C.E. Jewish document.³⁴ Scholars of the second school believe that Christian reworking of the text is so extensive that prior stages of its development cannot be recovered.³⁵

While certainty on this issue is elusive, the approach taken here is that of the first school, namely, that the *Testaments* are a second-century Hellenistic Jewish document with some later Christian interpolations, for the following reasons. First, there is relatively little in the text that requires a specifically Christian interpretation: the kind of messianic and eschatological hopes present in the *Testaments* can be paralleled in other Second Temple literature and particularly in the Qumran scrolls.³⁶ Secondly, certain emphases in the *Testaments*

Christology, and the Testaments of the Twelve Patriarchs: Collected Essays of Marinus de Jonge (Leiden: Brill, 1991). Kugler now seconds this viewpoint (*Testaments*, 35–39).

³⁴ Cf. Kee, "Testaments," 777: "The Christian interpolations, which number not more than twelve, and which occur in the latter part of those testaments that contain them, are conceptually peripheral to the main thrust of the document and are literarily incongruous, so that they may be readily differentiated from the original Greek text."

³⁵ Cf. Kugler, *Testaments*, 38: "De Jonge's view . . . that we cannot achieve sufficient consensus on a pre-Christian form of the *Testaments* to make the pursuit of one worthwhile seems destined to win the day. The vast and seemingly irreconcilable differences among proposals made by critics . . . would seem to assure this outcome." As noted above, Kugler (*Testaments*, 31–39) provides an excellent overview of the debate, although he sides heavily with the "second school," i.e. with Marinus de Jonge.

³⁶ For a useful review of Messianic views at Qumran, see VanderKam, "Messianism in the Scrolls," in *The Community of the Renewed Covenant* (ed. G. Ulrich and J. C. VanderKam; CJA 10; Notre Dame, Ind.: University of Notre Dame Press, 1994), 211–34. On the relationship between the *Testaments* and Qumran, cf. Marc Philonenko, *Les interpolations chrétiennes des Testaments des Douze Patriarches et les manuscrits de Qumran* (Cahiers de la RHPR 35; Paris: Presses Universitaires de France, 1960). A. Dupont-Sommer, *Nouveaux aperçus sur les manuscrits de la mer morte* (Paris: Maisonneuve, 1953) made the more tenuous claim the *Testaments* were written at Qumran.

are hard to reconcile with a Christian perspective. Most notably, the diarchic emphasis on the tribes of Judah and Levi seems more akin to the diarchic messianism of Qumran than Christian messianism, which in general has little use for the Levitical priesthood (cf. Heb 7:11–19).³⁷ Thirdly, distinctively Christian themes—such as faith, baptism, Eucharist, or the suffering of the Messiah—are largely absent from the *Testaments*.³⁸ Instead, there is an emphasis on keeping “the law,” which is understood in Hellenistic categories, i.e. the Mosaic Torah is understood as an exemplar of the law of nature, as in Philo.³⁹

The absence of any clear reference to the persecution under Antiochus Epiphanes may indicate that the *Testaments* were written in the first half of the second century B.C.E.; thus, their treatment here as pre-Qumran material.⁴⁰ The dating, however, is not certain, since certain passages can and have been interpreted as references to historical events in the Maccabean period.⁴¹

3.2. *The Place of the Testament of Levi in the Testaments of the Twelve Patriarchs*

The *Testament of Levi* holds a unique and influential place in the *Testaments of the Twelve Patriarchs*. Levi and Judah are the central figures in the work, and of the two, Levi is more highly honored.⁴² It is not surprising, then, that *T. Levi* is the longest of the testaments, and the one for which we have the greatest evidence of a textual pre-history.⁴³ Furthermore, the introduction and conclusion of *T. Levi*

³⁷ It is true that a Christian interpretation can be given to passages such as *T. Lev.* 8:14, where a new priesthood founded by a king from Judah is promised, or *T. Lev.* 18:2, where the messianic “new priest” is not *specifically* identified as a descendant of Levi (although he may be). On the other hand, the exaltation of Levi in general throughout the *Testaments*, especially his superiority to Judah (*T. Jos.* 19:4) poses problems for Christian theology and is difficult to attribute to a Christian author.

³⁸ In what seems like an obvious Christian interpolation, *T. Lev.* 16:3–4 speaks of the death of “a man . . . who renews the Law” at the hands of the levitical priests, but otherwise the suffering messiah theme is absent from the work.

³⁹ See the discussion of Philo’s interpretation of the relationship between Mosaic Torah and the Law of Nature in Hindy Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism* (SJSJ 77; Leiden: Brill, 2003).

⁴⁰ Following Bickerman, *Date of the Testaments*.

⁴¹ As argued by R. H. Charles, *The Testaments of the Twelve Patriarchs* (London: Oxford University Press, 1908).

⁴² Some of the relevant passages are listed by Kee, “Testaments,” 779.

⁴³ Fragments of a document known as “Aramaic Levi” or, somewhat redundantly,

differ in literary form from those of the other patriarchs,⁴⁴ leading at least one scholar to suggest that the author and his community regarded themselves as Levites.⁴⁵ In view of Levi's exalted position among the patriarchs, the testament's length and unique literary features, it is reasonable to conclude that *T. Levi* is one of the most theologically significant of the twelve testaments, arguably *the* most significant.

3.2. *Exposition*

The *Testament of Levi* follows a rough pattern in which Levi recounts the events of his life (chs. 1–12), gives moral instruction to his children (ch. 13), predicts the future of his descendants and Israel (chs. 14–18), and dies (ch. 19). This pattern is only rough, because moral instruction is scattered throughout the text, and ch. 10 interrupts Levi's autobiography in order to make prophecies of the future.

The references to "weeks" and jubilees occur in the latter part of the book, when Levi is predicting the future of his descendants. In ch. 14, he warns his sons that "in the endtime you will act impiously . . . setting your hands to every evil deed . . ." (v. 1).⁴⁶ The remainder of the chapter describes in detail the sins his priestly sons will commit. Then follows a description of the sanctions his sons' evil doing will merit:

15:1 Therefore the sanctuary which the Lord chose shall become desolate through your uncleanness, and you will be captives in all the nations. 2. And you shall be to them a revolting thing, and you shall receive scorn and eternal humiliation through the just judgment of God. 3. All who hate you will rejoice at your destruction. And unless you had received mercy through Abraham, Isaac, and Jacob, our fathers, not a single one of your descendants would be left on the earth.

as the "Aramaic Levi Document," have been found in the Cairo Geniza and at Qumran. The relationship between Aramaic Levi and the *Testament of Levi* has been the subject of much discussion. The consensus is that Aramaic Levi was a source used extensively by the author of *T. Lev.*, but not truly a *Vorlage*. For discussion and relevant bibliography on the subject, see Robert Kugler, *From Patriarch to Priest: The Levi-Priestly Tradition from Aramaic Levi to the Testament of Levi* (Atlanta: Scholars Press, 1996). There are no references to jubilees or "weeks" in the extant portions of Aramaic Levi.

⁴⁴ Cf. Kugler, *Testaments*, 47–51, for a shorter summary of the relationship between *T. Lev.* and *Aramaic Levi* fragments.

⁴⁵ See H. Dixon Slingerland, "The Levitical Hallmark within the Testaments of the Twelve Patriarchs," *JBL* 103 (1984): 531–37.

⁴⁶ All quotations are taken from Kee, "Testaments."

16:1 Now I have come to know that for seventy weeks you shall wander astray and profane the priesthood and defile the sacrificial altars. 2. You shall set aside the Law and nullify the words of the prophets by your wicked perversity . . .⁴⁷

There are obvious connections between this passage and Dan 9; most notably, the “desolation” of the temple and the period of “seventy weeks.” However, it is impossible to determine whether there is direct dependence between the documents, or whether both are drawing on a common tradition.

The beginning and ending point of this era are not entirely clear. Do the “seventy weeks” begin with the destruction of the temple and exile (15:1)? Or is the reference to the reception of “mercy through Abraham, Isaac, and Jacob” an allusion to the return from exile (15:4), at which point the “seventy weeks” begins? We are inclined to the latter view, since the kind of sins of which the Levitical priests are accused (e.g. defiling the sacrificial altars [16:1], persecuting just men [16:2]) imply that they are officiating for the cult and wielding political power, which would only be the case beginning with the return from exile.

In the present form of the text, reworked by a Christian scribe, the seventy weeks seem to end with the destruction of Jerusalem in 70 C.E. (v. 4). Whether there was a different *terminus ad quem* in an earlier Jewish redaction of the document is impossible to determine. As the text stands, the apparent parameters of the “seventy weeks” (from the return from exile to the destruction of 70 C.E.) roughly match those of early Christian readings of the “seventy weeks” of Dan 9:24–27.

It is notable that both *T. Levi* and the Apocalypse of Weeks (*1 Enoch* 93:9–10) share an entirely negative view of the post-exilic period. Unlike Dan 9:24–27, no mention is made of the rebuilding of the temple and Jerusalem in this period (although see *T. Lev.* 17:10), nor the coming of one or more messiahs. In *T. Lev.* 15–16, at least, the post-exilic period is characterized as one of unmitigated wickedness and debasement of the levitical priesthood.

The concept of “seventy weeks” is, in itself, implicitly jubiliary; but *T. Levi* continues on to make explicit mention of the jubilee:

⁴⁷ The remainder of chapter 16 seems to have been reworked by a Christian scribe to point to the Levitical priesthood’s rejection of Jesus Christ and the subsequent destruction of Jerusalem. The translation is from Kee, “Testaments,” 794.

17:1. Because you have heard about the seventy weeks, listen also concerning the priesthood. 3. In each jubilee there shall be a priesthood: In the first jubilee the first person to be anointed to the priesthood will be great, and he shall speak to God as father; and his priesthood shall be fully satisfactory to the Lord, and in the days of his joy, he shall rise up for the salvation of the world. 3. In the second jubilee the Anointed One shall be conceived in sorrow of the beloved one, and his priesthood shall be glorified by all. 4. The third priest shall be overtaken by grief, and 5. the fourth priesthood shall be with sufferings, because injustice shall be imposed upon him in a high degree, and all Israel shall hate each one his neighbor. 6. The fifth shall be overcome by darkness, 7. likewise the sixth and the seventh. 8. In the seventh there shall be pollution such as I am unable to declare in the presence of human beings, because only the ones who do these things understand such matters. 9. Therefore they shall be in captivity and will be preyed upon; both their land and their possessions shall be stolen. 10. And in the fifth week they shall return to the land of their desolation, and shall restore anew the house of the Lord. 11. In the seventh week there will come priests: idolaters, adulterers, money lovers, arrogant, lawless, voluptuaries, pederasts, those who practice bestiality. 18:1 When vengeance will have come upon them from the Lord, the priesthood will lapse. 2. And then the Lord will raise up a new priest to whom all the words of the Lord will be revealed . . .

This passage is as intriguing as it is obscure. This much is clear: the author divides most of Israel's history into seven jubilee periods, each of which is characterized by a different kind of priest and/or priesthood. The jubilees are internally divided into seven weeks each (vv. 10–11). The seventh jubilee includes the late pre-exilic (v. 8), exilic (v. 9), and post-exilic periods (v. 10ff), and the author's "present" seems to be in either the sixth or seventh week of the seventh jubilee. The eschatological age will arrive at the conclusion of the seventh jubilee, and it will be characterized by the arising of a new, messianic priest who will rule over the whole earth in a kingly fashion (18:3), establishing righteousness throughout the world forever (18:8–14).

What remains obscure is the identity of the first six jubilees. Who is the first person anointed to the priesthood (17:22)? Is this Levi, or Melchizedek?⁴⁸ What does it mean that he "shall rise up for the salvation of the world" (17:2)? Is this a reference to the eschatological priest whom the Lord will "raise up" (18:2)? The historical referents of the other priests mentioned in vv. 3–7 are likewise quite

⁴⁸ Cf. Hollander and de Jonge, *Testaments*, 175–76.

difficult to determine. The passage has the appearance of a paraphrase of a longer document in which the periods were described in greater detail.⁴⁹ The author of *T. Levi* is only concerned with the general pattern of the development of the priesthood, which is one of decline.⁵⁰

Jubilary themes already seen in texts above recur here in abundance. Along with Dan 9, *Jubilees*, and the Apocalypse of Weeks, *T. Levi* witnesses to a tradition that the eschaton would arrive after the completion of a “great jubilee,” i.e. a sacred multiple of jubilee periods (7, 10, or 50). As in Dan 9:24–27, the end of the “great jubilee”—the last week of the last jubilee—is the period of greatest degradation, and is associated with the coming of a messianic figure. Unlike Dan 9:24–27, however, nothing is said of the messiah being “cut off.” The messianic priest of *T. Lev.* 18 is not characterized as experiencing any kind of suffering.⁵¹

Unique to *T. Levi* is the association of each jubilee period with a new “priesthood.” Presumably, however, the author did not mean by this that each jubilee would necessarily witness a change in the priestly line of descent, which would be difficult to reconcile with biblical history. The language of the passage tends to personify the “priesthood” in each jubilee as an individual, or else to choose a significant priest of the period as a corporate representative of his fellows. This tendency to collapse the priesthood into an individual priest reaches its climax in ch. 18, where the eschatological priest has an eternal priesthood without successor.

It is noteworthy that the description of the new priest in *T. Lev.* 18 draws heavily on the messianic and eschatological language of Isaiah, particularly Isa 11.⁵² *T. Lev.* 18 shares with numerous pas-

⁴⁹ Hollander and de Jonge, *Testaments*, 175.

⁵⁰ Hollander and de Jonge, *Testaments*, 175.

⁵¹ Of course, *T. Lev.* 16:3–5 does mention the death of “a man who . . . renews the law,” which seems like an obvious Christian interpolation or reworking. Notice that there is no literary connection (e.g. re-use of keywords or imagery) to link the “man” of *T. Lev.* 16:3–5 with the “new priest” of *T. Lev.* 18, which one would expect if *T. Lev.* were composed from the beginning as a Christian document.

⁵² E.g., cf. these verses: *T. Lev.* 18:2c with Isa 11:3–5; *T. Lev.* 18:3c with Isa 11:10; *T. Lev.* 18:4c with Isa 11:6–9; *T. Lev.* 18:5d with Isa 11:9; *T. Lev.* 18:7 with Isa 11:2, 10; 18:9ab with Isa 11:9b; 18:11b with Isa 11:2. Hollander supplies some of the Isaianic parallels (179–80), as does McKee (794–95) in the margins and notes. An exhaustive comparison of *T. Lev.* 18 with the eschatological passages of Isaiah could produce a great many more parallels.

sages of Isaiah the idea of an eschatological king who will be imbued with God's spirit and rule over the nations in justice and righteousness, bringing light, joy, and peace throughout the earth. Isa 61 associates this figure with the inauguration of a jubilee; *T. Lev.* 18 envisions him arising after the completion of seven jubilee periods. Thus, as will be seen, *T. Lev.* 17–18 has much in common with 11QMelchizedek: the association of Danielic apocalyptic eschatology (i.e. Dan 9:24–27 or the traditions behind it) with a priestly figure described with the messianic/eschatological language of Isaiah.

3.3. *Summary*

The *Testament of Levi*, along with the entire *Testaments of the Twelve Patriarchs*, is probably a Hellenistic Jewish document of the second century B.C.E. which has undergone some Christian redaction. In the eschatological chapters of *T. Levi* (chs. 14–18) the figures of “seventy weeks” and “seven jubilees” are used to organize salvation history. *T. Levi* seems to be paraphrasing older, more detailed chronologies at this point, with the result that the exact correspondence between the distinct weeks and jubilees mentioned and known biblical history is no longer clear. It is clear, however, that the author regards the post-exilic period as one of moral and cultic degradation, particularly due to the apostasy of the priesthood. At the conclusion of the “seventy weeks” and “seven jubilees,” the author expects the arrival of a “new priest” who is described in kingly and messianic terms derived in part from the relevant passages of Isaiah. The association of Danielic eschatological chronology (i.e. “seventy weeks,” successive jubilees) with the messianic language of Isaiah and an eschatological priest-king strongly resembles 11QMelchizedek, as will be seen.

4. *Conclusion*

This chapter has surveyed the use of the concept of jubilee in the pre-Qumran Second Temple literature. In all the works surveyed, the jubilee appears as a unit of time, consisting of seven “weeks,” which is used to schematize Israel's sacred history. At the end of the jubilee period, or at the end of a “great jubilee” consisting of a sacred multiple of jubilees, Israel is portrayed as experiencing liberation and restitution.

All the documents surveyed may provide evidence that the jubilee was not regarded as the seventh sabbath (i.e. forty-ninth year) but the year immediately following. Careful examination of the date for the entrance to Canaan in *Jubilees* seems to indicate this; likewise in *T. Levi* the seventh week of the seventh jubilee is the period of worst degradation (similar to the seventieth week of Dan 9), not the period of liberation, which follows. In the Apocalypse of Weeks matters are less clear, but *1 Enoch* 93:10 may be interpreted such that the seventh week (as in Dan 9:27 and *T. Levi*, a period of utter disaster) concludes simultaneously with the appearance of the “elect ones” who initiate the reign of righteousness. Arguably, in each text the “jubilee” is experienced as the inauguration of a new era, rather than the final period of an old era. A complete jubilee or “great jubilee” *period* must be finished before the jubilee *year* arrives, ushering in the new age.

While the three texts examined bear witness to a tradition of dividing sacred history into weeks of jubilees and of expectating great events at the conclusion of jubilee periods, their separate chronologies cannot be harmonized. Therefore, there is no evidence as yet of a common jubiliary chronology of Israel’s history among Jewish communities of the Second Temple period. The tradition consisted in the use of the jubilee (and week) as a chronological division, not in specific identifications of the beginning and ending of jubilee periods in sacred history.

Jubilees and the Apocalypse of Weeks do not associate the completion of the jubilee period with a messianic figure; *T. Levi* does, however. The eschatological priest-king of *T. Levi* is described in messianic terms frequently drawn from Isaiah. In this regard, *T. Levi* strongly resembles 11QMelchizedek.

CHAPTER TEN

THE JUBILEE AT QUMRAN

Given that *Jubilees*, *1 Enoch*, and the book of Daniel were popular works in the Qumran community, it is not surprising to find several references to the jubilee scattered throughout the Dead Sea Scrolls. The jubilee as a division of time is put to use in the Scrolls for roughly three purposes: *historiographical*, i.e. for charting the chronology of past events; *cultic-calendrical*, i.e. for calculating cultic activities such as the rotation of priestly service; and *eschatological*, i.e. for predicting the arrival of the final era of history. These three uses of the jubilee are inter-related. In what follows, examples of each use will be examined sequentially.

1. *Historiographic Uses of the Jubilee at Qumran*

A few Qumran texts date events in biblical history based on jubilee cycles. The influence of the *Book of Jubilees* is obviously at work here. For example, in the *Genesis Apocryphon* (1QapGen ar) col. vi we read the following concerning Noah:¹

9 די ה עליא לבני אנשא vac וביומי כדי שלמי לי לחשבון די חשבת
10 []—[] א יובלין עשרה באדין שלם לבני למסב לחון נשין לאנת

9 [. . .] the Highest One to the sons of men. *Blank* And in my days, when there had been completed for me—according to the calculation that I calculated—10 [. . .] . . . ten jubilees, then my sons finished taking wives for themselves . . .

¹ The text and translation are reproduced from Florentino García Martínez and Eibert J. C. Tigchelaar, *The Dead Sea Scrolls Study Edition* (2 vols.; Leiden: Brill/Grand Rapids: Eerdmans, 1997), 1:32–33. The column discussed above (col. VI) did not appear in the *editio princeps* of the *Genesis Apocryphon* (N. Avigad and Y. Yadin, *A Genesis Apocryphon. A Scroll from the Wilderness of Judaea* [Jerusalem: Magnes, 1956]) and is not discussed in the major commentaries on the work (e.g. Joseph A. Fitzmyer, *The Genesis Apocryphon of Qumran Cave 1: A Commentary* [Rome: Pontifical Biblical Institute, 1966, 1972²]; R. T. White, *The Qumran Genesis Apocryphon. A Review* [Sheffield: Sheffield Academic Press, 1988]). It was first published by Matthew Morgenstern, Elisha Qimron, and Daniel Sivan, “The Hitherto Unpublished Columns of the Genesis Apocryphon,” *Abr-Nahrain* 33 (1995): 30–54. This is the text and translation adapted by García Martínez and Tigchelaar in *The Dead Sea Scrolls Study Edition*.

The author of 1QapGen ar is clearly influenced by *Jubilees*' practice of dating biblical events according to jubilees, but he goes beyond *Jubilees*, which does not mention Noah's age when his sons took wives, and does not record that the patriarch himself made calculations according to jubilee cycles. For the author of 1QapGen ar, like the author of *Jubilees*, the practice of counting jubilees was yet another element of the law which was revealed to the patriarchs prior to Sinai.

The English translation of this column gives the incorrect impression that 1QapGen ar places the last of the *marriages* of Noah's sons at his tenth jubilee. In the Aramaic transcription² one can see a lacuna four or five words in length at the beginning of line 10, between לחשבון די השבת, "according to my calculations," and יובלין עשרה, "ten jubilees." This lacuna probably included additional time units. As a result, it seems likely that 1QapGen ar puts Noah's age at an unknown number of years more than ten jubilees when his sons finish marrying. But the number of additional years beyond ten jubilees must be less than 49,³ otherwise the number of jubilees would have been more than ten. Therefore Noah's age was in the range 490 to 538 years old. Assuming that the author accepted Gen 5:32 (which places the birth of Noah's sons after his 500th year) as canonical, and allowing some years for the sons to reach marriageable age, gives a further narrowing to c. 515–538 years old (depending on what the author considered "marriageable age"). Thus, the lacuna at the beginning of line 10 contained a number of years and weeks of years totaling somewhere between approximately 25 to 48 years. However, determining the exact number to be restored is somewhat trivial. The only important conclusion for the history of the interpretation of the jubilee to be drawn from 1QapGen ar is that the author regarded the institution of the jubilee as such an integral part of divine law that it was revealed and calculated already in the antediluvian age.

Another Qumran text which uses the jubilee to mark an event in biblical history is 4Q379 (*Apocryphon of Joshua*^b).⁴ Fragment 12 of this

² See Morgenstern et al., "The Hitherto Unpublished Columns," 40.

³ The author may have calculated the jubilee cycle at 50 years, but the influence of *Jubilees* at Qumran increases the probability that he followed *Jubilees*' in calculating the cycle at 49 years, if the author was a member of the Qumran community.

⁴ Text and translation is from García Martínez and Tigchelaar, *The Dead Sea*

text indicates that Joshua led the people of Israel into the promised land in a jubilee year:

1 [...] המים] היוורדים... 2 [...] המים] היוורדים עמדו ניד
 3 [...] בני ישראל ע]ברו ביבשה בחדש 4 [הרא]שון בשנת הא[חד]
 ו[וארבעים שנה לצאתם מאר[ץ] 5 מצרים היא השנה ליובלים לתחלת
 בואתם לארץ 6 כנען והיוורדן מלא מי[ם] על כל נדותיו ושוטף
 7 [ב]מימיו מן החדש ה[...]. י עד חדש קציר חטים

1 [...] the waters] which come down . . . 2 [...] the waters] which come down stood piled up 3 [...] the sons of Israel cr]ossed over when it was dry, in the 4 first month of the forty-fi[rst] year of their departure from the la[nd of] 5 Egypt; it was the year of the Jubilees at the start of their entry into the land of 6 Canaan; and the Jordan was full with wat[er] towards all its banks and it flooded 7 [with] its water from the month . . . [...] until the month of the wheat harvest . . .

This passage draws on the same tradition found in the *Book of Jubilees* that the first year of the entrance to the land was a jubilee year. This tradition has some basis in the biblical text: Lev 25:2 indicates that the counting of the years to the jubilee should begin “when you enter the land,” which may reasonably be taken to mean that the year of Israel’s entrance into the land is year one of the jubilee cycle. As discussed above, according to one way of calculating the occurrence of the jubilee year, year one of a jubilee cycle is also year fifty of the previous cycle, and therefore year one is always a jubilee year. One might object that the year of the entrance to the land was not year fifty of any previous cycle, because jubilee cycles had not been counted previously; but the Qumran documents, like *Jubilees*, seem to assume that jubilee cycles had been counted since creation.

Identifying the first year of entrance to the land as a jubilee is also theologically appropriate, since under Joshua Israel returned to her ancestral land (as *Jubilees* takes pains to point out), and it is precisely the return to ancestral land that motivates and characterizes the stipulations of the jubilee legislation.

Scrolls, 2:750–51. For thorough discussion of this document, see Carol A. Newsom, “4QApocryphon of Joshua^b,” in *Qumran Cave 4.XVII: Parabiblical Texts, Part 3* (ed. George Brooke et al.; DJD 22; Oxford: Clarendon, 1996) [hereafter DJD 22], 263–88. Newsom relates that the text is written in a Hasmonean semi-cursive script, therefore this is a late-second to early-first-century manuscript. The orthography is consistent with manuscripts brought to Qumran, not those copied there (see DJD 22, 263).

Nonetheless, there are some curious discrepancies in this text when compared to Lev 25. For example, the year of jubilee is termed השנה ליובלים, “the year of the jubilees.” The reason for the use of the plural יובלים or the prepositional ל in this phrase is unknown. The phrase may have the sense “it is the year for the jubilees at the beginning of their entry,” that is, it is the year that starts the count of jubilee cycles. Another curiosity is that the passage clearly places the entrance to the land and the start of the jubilee year in the spring (like *Jubilees*), whereas the proclamation of the jubilee in Lev 25:9 is in the fall. This discrepancy, too, seems obscure.

Both these texts, 1QapGen ar and 4QapocrJoshua^b, witness the influence of the *Book of Jubilees*, or at least the tradition it represents, at Qumran. Jubilees have been counted since the beginning of creation, and some important events, notably the entrance into the promised land, were divinely ordained to occur in a jubilee year. The calculation of jubilees was revealed to Enoch (*Jub.* 4:17–19) and presumably passed on to his descendants. 1QapGen ar accepts this tradition that the patriarchs themselves had knowledge of the calculation of jubilee cycles, and portrays Noah structuring the account of his own life history according to them.

A final, albeit subtle, example of the use of the jubilee in schematizing Israelite history at Qumran may be found in 4Q181 (*Ages of Creation B* or 4QAgēsCreat B). This document, written in an early to mid-Herodian script (1st cent. B.C.E.) most likely at Qumran itself, is part of a larger work—attested also by 4Q180—which claims to interpret the various ages of world history established by God at creation.⁵ 4Q181 2 reads as follows:⁶

- 1]לאברהם] ער הוליד ישחק]
- 2]בנות] האדם וילד[ן] להמה נבור[ים]
- 3]א[ת ישראל בשבעים השבוע ל]
- 4 ואחבי עולה ומנחילי אשמה]

⁵ See J. J. M. Roberts, “Wicked and Holy (4Q180–181),” in *The Dead Sea Scrolls. Hebrew, Aramaic, and Greek Texts with English Translations. Volume 2: Damascus Document, War Scroll, and Related Documents* (ed. James H. Charlesworth; Princeton Theological Seminary Dead Sea Scrolls Project; Tübingen: JCB Mohr, 1995), 204–5.

⁶ Text and translation is from Roberts, “Wicked and Holy,” 208–9. Important discussions of 4Q180–181 include J. T. Milik, “Milkî-šedeq et Milkî-reša’ dans les anciens écrits juifs et chrétiens,” *JSS* 23 (1972): 109–26; idem, *The Books of Enoch. Aramaic Fragments of Qumrân Cave 4* (Oxford: Clarendon, 1976), 248–52; and Devorah Dimant, “The ‘Peshet on the Periods’ (4Q180) and 4Q181,” *Israel Oriental Studies* 9 (1979): 77–102.

- 1 [to Abraha]m [until he bega]t Isaac [...]
- 2 the [daughters of] humankind, and [they] bore to them mighty one[s . . .]
- 3 Israel for seventy weeks to [...]
- 4 And those who love deceit and possess guilt [...]

From the fragmentary state of the text, it is not possible to determine what period of biblical history the “seventy weeks” covered. J. T. Milik reconstructs the text so as to assign the “seventy weeks” to the period of the hegemony of ‘Azaz’el over Israel.⁷ A comparison with the closely-related passage 4Q180 1, 4–9 makes this reconstruction plausible.⁸

This is the sequence of the son[s of Noah, from Shem to Abraham,]
 5 [unt]il he sired Isaac; the ten [generations . . .] 6 [...] Blank [...] 7
 [And] interpretation concerning ‘Azazel and the angels wh[o came to
 the daughters of man] 8 [and s]ired themselves giants. And concern-
 ing ‘Azaz’el [is written . . .] 9 [to love] injustice and to let him inherit
 evil for all [his] ag[c . . .]

At the very least, the time period of the “seventy weeks” is one characterized by unfaithfulness (cf. 4Q181 2, 4) occurring during or shortly after the period of intermingling between the demons and the daughters of mankind (cf. 4Q181 2, 2; 4Q180 1, 6–9).

4Q181 probably draws on the “seventy weeks” (= ten jubilees) of Dan 9:25–27, interpreting them as weeks of unfaithfulness in Israel, and using the concept of “seventy weeks of unfaithfulness” to periodize earlier portions of biblical history. As will be seen below, the time period of seventy weeks or ten jubilees was also used at Qumran for calculating the time until the coming of the eschatological age.⁹

2. *Cultic-calendrical Uses of the Jubilee at Qumran*

Several Qumran texts re-write legal portions of the canonical biblical text, most notably the Temple Scroll. Curiously, none of the extant

⁷ See Milik, *Books of Enoch*, 251.

⁸ Translation of 4Q180 1, 4–9 is from Martínez and Tigchelaar, *Dead Sea Scrolls*, 371, 373.

⁹ Milik was inclined to group several Qumran texts together as one document about the divisions of world history which he entitled the “Peshier on the Periods.” However, Milik tended to overlook differences between the various Qumran texts he sought to conjoin. See the comments of Dimant, “Peshier on the Periods,” 89–91.

legal texts gives explicit instructions for the observance of the year of jubilee. Of some relevance, however, is 1QWords of Moses (1Q22 or 1QDM ["Dibrê Moshe"]), col. iii, which gives instructions for the observance of the sabbatical year:¹⁰

Col. III 1 [After seven ye]ars [you shall keep] the Sabbath [of the land, and the yield of the Sabbath of the] lan[d may be used by you] for food, by [you and your animals and the beasts of] the fi[eld.] 2 [it may be used for fo]od. [What rem]ains will be for [the poor from among] your [brothers] who are in [the land. N]o-on[e] will s[ow his field] nor prune [his vine.] 3 [No-one will harvest what grows of its own accord nor] gather [anything. Keep] al[l the]s[e words of the] covenant 4 [to observe them, and] when [...] in order to do [...] And [in] thi[s y]ear you shall grant a release. 5 [Every creditor w]ho [has lent something to] someone, or [who possesses something from his brother,] will grant a re[lease to] his fell[ow] for 6 [a release] for [G]o[d, yo]ur [God, has been proclaimed. One may demand restitution] from the fore[igner, but from one's brother] no-[one shall demand restitution,] for in [that] year 7 [Go]d [will bless you, forgiving you your] sin[s . . .] . . . 8 [...] in the year [...] of the month of 9 [...] on this day [...] For] your [father's] wandered 10 [in the wilderness] until the [te]nth day of the month {the [...] on the te]nth [day] of the month} 11 [You shall] refrain [from all work.] And on the te[nth] day [of the] month, atonement shall be made [...] of the month 12 [...] and] they shall take [...]

In this passage the sabbatical year of Lev 25:1–7 is conflated with the *shemittah* year of Deut 15:1–11, such that every seventh year involves both a fallow for the land and the forgiveness of debts for fellow Israelites. Thus we see an early exegetical attempt to harmonize different but similar laws in the Holiness and Deuteronomic codes. This conflation of the sabbatical and *shemittah* years is a given in the Qumran literature.¹¹ It is also instructive to note a certain *spiritualizing* of this conflated sabbatical-*shemittah* year: if the reconstruction is correct, line 7 speaks of God forgiving sins in this year. This spiritualizing calls to mind the more extensive spiritualizing of

¹⁰ The translation is taken from García Martínez and Tigchelaar, *The Dead Sea Scrolls*, 1:60–63. The text was first published by J. T. Milik in *Qumran Cave 1* (ed. D. Bartholémy and J. T. Milik; DJD 1; Oxford: Clarendon, 1955), 91–97. Some discussion of it can be found in John Strugnell, "Moses-Pseudepigrapha at Qumran: 4Q375, 4Q376 and Similar Works," in *Archaeology and History in the Dead Sea Scrolls* (ed. L. H. Schiffman; JSPSup 8; Sheffield: JSOT, 1990), 221–56.

¹¹ The same equation is assumed in the *Rule of the Community* (1QS X 6–8), 4Q319, and elsewhere.

the jubilee that will be found in 11QMelchizedek below. The linking of human forgiveness of the debts of one's fellows with divine forgiveness calls to mind certain New Testament teachings on forgiveness (e.g. Luke 11:14, Matt 18:23–35).

Although the extant text does not mention the jubilee, it seems likely that the jubilee was discussed beginning in line 8, the point at which the text becomes quite fragmentary. It seems clear that lines 8–12 speak of the Day of Atonement. The reason for the shift from speaking of the sabbatical/*shemittah* year in lines 1–7 to speaking of the Day of Atonement in lines 8–12 can be explained if we postulate that the author of the text is expounding Lev 25, which moves from the sabbatical year (Lev 25:1–7) to the proclamation of the jubilee on the Day of Atonement (Lev 25:8–10). Otherwise, the juxtaposition of the sabbatical year and the Day of Atonement seems odd, since they are not juxtaposed in any other part of the Covenant, Holiness, or Deuteronomic codes. Line 8, then, may have given instruction for the proclamation or observation of the jubilee in the fiftieth year, on the tenth day of the seventh month. The following lines may have given specifics about the observation of the Day of Atonement in this year.

However, in the absence of any explicit mention of it in legal texts, it will remain forever uncertain whether the Qumranites envisioned an actual cyclic enactment of the jubilee legislation, or interpreted the text only as an eschatological prophecy.

Some texts, however, indicate that the jubilees were at least an important unit in the calculation of the cultic calendar. The relevant texts are 4Q319 (4QOtot)¹² and 4Q320 (*Calendrical Document A*).

¹² 4Q319 was formerly considered to be part of 4Q259 (4QS^c) and thus to be included in the *Rule of the Community* (*Serek haYahad*). The significant publications of, and commentaries on, 4Q319 include the following, in chronological order: J. T. Milik, *The Books of Enoch. Aramaic Fragments from Qumran Cave 4* (Oxford: Clarendon, 1976), 61–69; Uwe Glessmer, “Der 364-Tage-Kalender und die Sabbatstruktur seiner Schaltungen in ihrer Bedeutung für den Kult,” in *Emlen, was man sät. Festschrift Klaus Koch* (ed. D. R. Daniels et al.; Neukirchen-Vluyn: Neukirchener, 1991), 379–98; M. Albani, “Die lunaren Zyklen im 364-Tage-Festkalender von 4QMischmerot/4QS^c,” *Kirchliche Hochschule Leipzig. Mitteilungen und Beiträge* 4 (1992): 28–43; Robert H. Eisenman and Michael Wise, *The Dead Sea Scrolls Uncovered* (Rockport, Mass.: Element, 1992), 128–34; Glessmer, “Investigation of the Otot-Text (4Q319) and Questions about Methodology,” in *Methods of Investigation of the Dead Sea Scrolls and the Khirbet Qumran Site* (Annals of the New York Academy of Sciences 722; New York: New York Academy of Sciences, 1994), 429–40; James C. VanderKam, “Calendrical

Since the jubilee is mentioned only on two small fragments of 4Q320 (3 i and 4 ii) that seem either identical or closely related to parts of 4Q319,¹³ the latter document will be the exclusive focus of the following discussion.

4Q319 is simultaneously curious, cryptic, and tedious. Its exact meaning is elusive and will likely remain so. Although clearly written on the same scroll as 4Q259 (4QS^e, that is, 4Q*Serek ha-Yahad*), 4Q319 was separated from that document on the basis of content and assigned its own number (319) and nomenclature (4QOtot), although not without causing some confusion.¹⁴ The separation of the documents seems unnecessary. There is no good reason why the *Rule of the Community* could not have included calendrical instructions; in fact, it seems highly appropriate that it would. Moreover, in addition to the physical evidence, there are affinities of content between the *Rule* and 4Q319. For example, one passage of the *Rule* stresses the importance of the praise of God during all the divisions of time:¹⁵

6 { } תרומת שפתים חברכנו כחוק חרות לעד בראשי { } שנים ובתקופת
מועדיהם בהשלם חוק 7 תכונם יום משפטו זה לזה מועד קציר לקיץ ומועד
זרע למועד דשא מועדי שנים לשבועיהם 8 וברוש שבועיהם למועד דרוך

6 With the offering of lips we shall bless him, in accordance with the decree recorded forever. At the commencement of the years and in the turning of their seasons, when the decree of 7 their disposition is carried out, on its prescribed day, one after another; the season of the harvest up to summer, the season of seed-time up to the season of the grass, the seasons of the years up to their seven-year periods.
8 At the commencement of the seven-year periods up to the moment decided for deliverance. (1QS x, 6–8)

Texts and the Origins of the Dead Sea Scroll Community,” in *Methods of Investigation of the Dead Sea Scrolls and the Khirbet Qumran Site* (Annals of the New York Academy of Sciences 722; New York: New York Academy of Sciences, 1994), 377–79; idem, *Calendars in the Dead Sea Scrolls: Measuring Time* (London: Routledge, 1998), 80–84, Jonathan Ben-Dov, “4QOtot,” in *Qumran Cave 4.XVI: Calendrical Texts* (eds. Shemaryahu Talmon, Jonathan Ben-Dov, and Uwe Glessmer; DJD 21; Oxford: Clarendon, 2001), 195–244 (hereafter DJD 21). Ben-Dov gives a date of 50–25 B.C.E. for the document (DJD 21, 214), and its close association with the *Rule of the Community* suggests that it was composed at Qumran.

¹³ See text and discussion in DJD 21, 50–51, 53–54.

¹⁴ See discussion in DJD 21, 195–96, and Glessmer, “Investigation,” 431.

¹⁵ Text and translation taking from García Martínez and Tigchelaar, *Dead Sea Scrolls*, 1:94–95.

This passage is heavily indebted to Lev 23 and 25 for its vision of the cycles of holy time, grounded in agricultural rhythms. The writer vows to praise God through all the divisions of time, day by day, season by season, year by year, year-week by year-week, until the “moment decided for deliverance,” למועד דרור. A more felicitous translation might be “until the season of liberation.” This מועד דרור, coming at the end of a succession of year weeks, certainly can be none other than the year of jubilee, especially considering the close association of the term דרור with the jubilee demonstrated above.¹⁶ This passage from 1QS is evidence that the division of time into jubilees was a living reality for the Qumran community, a basic part of the rhythm of their spirituality.¹⁷ Thus, the calendrical calculations of jubilees in 4Q319 are an application and extrapolation of the vision of sacred time summed up in 1QS x, 6–8.

The contents of 4Q319 detail a scheme for correlating the jubilee with two other time-cycles of great importance at Qumran: the six-year rotation of priestly courses or *mishmarot*, and the seven-year *shemittah* cycle. Since the jubilee cycle of forty-nine years is not divisible by six, the shortest number of years in which these three cycles can be restored to their original correspondence is 294 (6×49). 4Q319 indeed correlates the cycles for approximately six jubilees,¹⁸ but curiously seems to number these jubilees from two to seven rather than from one to six.¹⁹

4Q319 was designated “4QOtot” because the text seems largely concerned with calculating when “signs” (אִזְרוֹת) will occur within the three correlated cycles. It is not known just what the “sign” is—presumably it is some astronomical phenomenon.²⁰ It is clear from 4Q319 that the “sign” occurs every third year at the beginning of

¹⁶ Cf. P. Wernberg-Møller, *The Manual of Discipline: Translated and Annotated with an Introduction* (STDJ 1; Leiden: Brill, 1957), 37 & 144, who notes without comment the connection between 1QS X 8 and Lev 25:8–10. James H. Charlesworth, on the other hand, simply translates דרור למועד as “until the Jubilee” (*The Dead Sea Scrolls. Hebrew, Aramaic, and Greek Texts with English Translations. Volume 1: Rule of the Community and Related Documents* [ed. James H. Charlesworth; Tübingen: JCB Mohr (Paul Siebeck), 1994], 45).

¹⁷ That is not to say that the legal, socio-economic implementation of the jubilee year according to Lev 25 was a living reality at Qumran.

¹⁸ Strangely, the final (seventh) jubilee in 4Q319 ends two years shy of 294 years, i.e. in year 292.

¹⁹ See comments of Ben-Dov, DJD 21, 206; Eisenman and Wise, *Dead Sea Scrolls*, 130.

²⁰ Cf. the use of the word אִזְרוֹת in Gen 1:14.

the year. The text identifies each “sign” not only by the year, but also by the priestly course on duty when the “sign” occurs. Since the sign occurred every three years and the priestly courses rotated on a six-year cycle, one of the same two priestly courses is always on duty when the “sign” occurs: either Shekaniah or Gamul.

Some scholars suggest that the “sign” is the coincidence of the full moon with the vernal equinox, which would recur every three years, directly after the intercalation of an additional (37th) lunar month in order to reconcile the lunisolar calendar (354 days per year) with the solar calendar (364 days per year).²¹ Thus, according to these scholars, the purpose of 4Q319 is to provide a regular schedule for the reconciliation of the lunisolar and solar calendars. This is the most plausible explanation of the “sign” currently proposed.²²

The entire text of 4Q319 is too long to represent, but the following passage, enumerating the “signs” for the actual first jubilee, which is labeled the “second,” gives a sample of the character of the text:²³

- 11 [. . . ה] בריאה בארבעה בנ[מול אות שכניה ברביעית אות נמול בשמטה]
 12 או[ת שכניה בשל[שית אות ג[מול בששית אות [שכניה בשנית אות נמול]
 13 [בחמישית או[ת שכניה אחר השמטה אות נמול ברביעית אות שכניה
 14 [בשמטה או[ת נמול בשל[שית אות שכניה [בששית אות נמול]
 15 [בשנית או[ת ש[כניה ב[חמישית אות נמול אחר השמטה אות
 16 [שכניה בר[ביעית אות נמול בשמטה אות ס[וף היובל אחות ה[יובל]
 17 [השני] אחות 17 מזה בשמטה אחות 3 הבראָה

11 [. . . the] creation in the fourth (day) in Ga[mul; Sign of Shekaniah in the fourth (year); Sign of Gamul in the (year of the) release; Sign of 12 Shekaniah in the thi[r]d; S[ign of Gamu]l in the si[x]th; Sign of [Shekaniah in the second; Sign of Gamul 13 in the fifth; Sig]n of Shekaniah (in the year) after the release; Sign of Gamu[l in the fourth; Sign of Shekaniah 14 in the Release; Sig]n of Gamul in the th[ir]d; Sign of Shekaniah [in the sixth; Sign of Gamul 15 in the second; Si]gn of She[kaniah] in the [fi]fth; Sign of Gamu[l after the relea]se; Sign of 16 [Shekaniah in the fo]urth; Sign of Gamul in the release (which is the) con[cluding] sign of [the jubilee. Signs of the second ju]bilee 17 (are) 17 signs, of these [3] signs (fall) in the (years of the) release. The Creation . . .

²¹ Cf. Ben-Dov, DJD 21, 208–10; Eisenman and Wise, *Dead Sea Scrolls*, 128–29.

²² Glessner has modified his original interpretation of the text as a scheme of intercalation to reconcile the 364-day calendar with the true solar year. See VanderKam, “Calendrical Texts,” 379.

²³ The text and translation of 4Q319 iv 11–17 are those of Ben-Dov, DJD 21, 214–16.

The reckoning of the *mishmarot*, *shemittah*, and jubilee cycles begins with creation, on the fourth day (Wednesday). In Qumran sectarian literature, as well as in texts of the Enochic tradition and *Jubilees*, time begins on this day, when the heavenly luminaries were created to be “signs” (אִתּוֹת) “for seasons and for days and for years” (Gen 1:14 RSV).²⁴

For the author of 4Q319, the counting of sacred calendrical cycles begins with creation and is part of the divinely ordained natural order. The conception of sacred time implied here is realist and absolute; the arrangement of the cultic calendar according to the priestly courses, for example, is not due to human convention, nor subject to pragmatic variation. Instead, each week of the year has a real correspondence to a priestly course, determinable by absolute reckoning from the creation week. Failure of the priestly courses to fulfill their duties according to this absolute reckoning would violate the natural order and be displeasing to God, regardless of the good intentions of those involved. Failure of the proper observation of other cultic cycles (*shemittahs* and jubilees) would be similarly unacceptable.

When 4Q319 is examined for the light it sheds on the interpretation of the jubilee, several curious features emerge. The basic six-jubilee, 294-year structure of the text would seem to suggest a jubilee cycle figured at forty-nine years. Curiously, however, the jubilee is generally not considered to end at the forty-ninth year, but rather on the nearest year in which a “sign” occurs. As a result, some of the jubilee cycles are shorter, and others longer, than forty-nine years.²⁵ In one anomalous instance, the text appears to break its own pattern of concluding jubilees on “sign” years by placing the end of the “fifth” jubilee in the year of the priestly course Joshebeab, in which a “sign” ought not to occur.²⁶

²⁴ See comments of Ben-Dov, DJD 21, 201.

²⁵ See Eisenman and Wise, *Dead Sea Scrolls*, 129. Unfortunately, the table of jubilee lengths and ending dates on p. 129 is incorrect at points. For example, the end of the seventh jubilee is in year 292 according to the text, not year 294 as Eisenman and Wise would have it. Further confusion in calculating the lengths of the individual jubilee cycles is caused by uncertainty over whether the last year of one jubilee cycle was simultaneously the first year of the next. This is explicitly the case with the end of the third jubilee and the beginning of the fourth (see col. v, lines 4–6, DJD 21, 216–18), and perhaps it is to be assumed to be the case with the other jubilees. If this method of counting is used, the jubilees vary in length from 48 to 52 years. If it is not, they vary from 47 to 51 years.

²⁶ See col. v, line 19, and comments in Ben-Dov, DJD 21, 217–219.

4Q319 unfortunately provides no information concerning which year within the jubilee cycle—whether the forty-ninth or the fiftieth—was considered the actual *jubilee year*. The word “jubilee” (יובל) in 4Q319 invariably means “jubilee cycle.” A possible exception comes in the sadly fragmentary concluding lines of the Otot-section (4Q319 vi 18), which mentions the “year of jubilees” (שנת יובלים).²⁷ The context is too fragmentary to derive any information about this “year.”

In sum, 4Q319 raises more questions than it answers concerning the way the jubilee and the jubilee cycle were understood at Qumran. It cannot tell us which year was considered the jubilee, nor whether there was any actual observance of the jubilee year envisioned or practiced. The varying lengths of the jubilee cycles meant to accommodate the rhythm of the “sign”-years are quite odd. It may be concluded, however, that there was serious interest in the jubilee as a chronological unit at Qumran, and it is highly likely that the sect attempted to calculate their own place in time according to jubilee cycles. Since they lived in expectation of the coming of messiahs who would lead them to restore the proper cult for the Jerusalem temple, they needed to have calculations of their current place within the jubilee cycles since creation, in order to implement the proper calendar once the temple was under their administration. This is particularly the case due to their “realist” view of chronology as discussed above. Unfortunately, no texts have survived detailing exactly where the Qumranites placed themselves in the greater rhythm of jubilees since creation.

3. *The Jubilee in Qumran Eschatology*

3.1. *Brief Texts*

Several texts from Qumran indicate that the concept of the jubilee was used by the community to calculate the arrival—and express the content—of the eschatological age. Some of these texts are quite fragmentary; one can conclude from them nothing more specific than that the jubilee was associated in some manner with the inbreaking

²⁷ Note that it shares with 4Q379 the use of the plural, i.e. “year of jubilees” (יובלים) rather than the singular “year of jubilee” (יובל).

of the eschaton. 4Q463 (4QNarrative D) and 6Q12 (6QApocryphal Prophecy) fall into this category. In 4Q463 one finds the following:²⁸

... 1 Frag. 1 דמה vacat ויזכור אל את דברו אשר אמר ... 2 ...
 לא] מור גם בהיותם בארצות אויביהם[ה לא מאסתי] 3 [ולא נעלתי
 לכלות]ם להפר בריתי וחסדי מהמה ויהי מלא[.] 4 [.] נסתרות
 ואונייהמה פתח וישמעו ע[מקות ...] 5 [.] ... [.]
 1 Frag. 2 עים ה[.] 2 [.] תום הויב[ל] 3 [.] וינער
 בליעל[.] 4 [.] חה מלבד הימים א[.] 5 [.] את אויביהמה
 עליהם[ה] 6 [.] ריאשון[.] ... [.]

Frag. 1 1 [...] ... them. *Blank* And God remembered his word which he spoke ... 2 [...] saying: *Lev 26:44* Even while they are in the lands of thei[r] enemies [I did not spurn them] 3 [and did not reject them up to the point of destroying] them, and so breaking my covenant and my loyalty from them. And the fullness was [...] 4 [...] hidden things, and he opened their ears, and they heard pro[found things ...] 5 [...] ... [.]

Frag. 2 1 [...] ... [.] 2 [...] the completion of the jubi[lee ...] 3 [...] and he will rebuke Belial [...] 4 [...] ... except the days wh[ic]h [...] 5 [...] their enemies against the[m ...] 6 [...] first [...] ... [.]

Fragment 2 gives the impression that at the conclusion of a jubilee or jubilees, there will be a struggle with Belial and the enemies of Israel. Presumably this is an eschatological struggle; yet it is possible, if unlikely, that the text is describing a past event.

Several similarities with 11QMelch should be noted: both texts (1) interpret the last chapters of Leviticus in an (apparently) eschatological manner,²⁹ (2) speak of the completion of jubilees, and (2) recount a struggle with Belial and the enemies of Israel. The agent who will “rebuke Belial” in 4Q463 2 i 3 is not expressed, but it may have been Melchizedek, who figures so prominently in the struggle with Belial in 11QMelch. It is not farfetched to propose that 4Q463 and 11QMelch are either related or else drawing on a common tradition.

²⁸ Text and translation are from García Martínez and Tigchelaar, *Dead Sea Scrolls*, 940–41. The critical edition can be found in M. S. Smith, “4QNarrative D,” in *Qumran Cave 4.XIV: Parabiblical Texts, Part 2* (ed. Magen Broshi et al.; DJD 19; Oxford: Clarendon, 1995), (hereafter DJD 19), 211–14. Smith describes the script as a transitional Hasmonaeen-Herodian semi-formal hand, therefore a first-century B.C.E. date would be indicated (DJD 19, 211). In his comments on the text Smith assumes it to be a Qumran composition (DJD 19, 212).

²⁹ Note that frag. 1 line 2 is a quotation of Lev 26:44.

6Q12 (6QApocryphal Prophecy), although even more fragmentary, exhibits some of the same themes as 4Q463 and 11QMelch. The text reads as follows:³⁰

1 [...] ביום ההוא יהיה ישראל [...] 2 [...] vacat [...] 3 [...] מאין יושב vacat ואחר היובלים [...] 4 [...] להאבידם בנויים ולירותם בארצות [...] 5 [...]

1 [...] on th]at [day] Israel will be [...] 2 [...] Blank [...] 3 [...] without] inhabitant. Blank And after [...] jubilees [...] 4 [...] to extermin]ate them among the nations and to disperse [them in the lands [...] 5 [...]

If Baillet's reconstruction of the text is to be trusted, it appears to be an eschatological exposition of Lev 25–26. The ideas of the depopulation of Israel and its “extermination” and “dispersal” among the nations, connected with the passing of jubilees and sabbatical years, are all to be found in Lev 25–26, from which 6Q12 seems to take some of its vocabulary. The depopulation of Israel (“[. . . without] inhabitant,” line 3) relates to Lev 26:43 (“For the land shall be forsaken of them, making up for its sabbath years by being desolate of them . . .” נָפְסָם). The “extermination among the nations” ([. . . להאבִי־דָם]), line 4) seems taken from Lev 26:38 (וְאֶבְרַחֵם בְּנוֹיָם), and “dispersal among the lands” ([. . . בארצות]ם) from Lev 26:33 (וְאֶחָדָם בְּנוֹיָם).³¹

Thus, 6Q12 is yet another text witnessing to an eschatological reading of Lev 25–26. Although the text is too fragmentary to reconstruct how the author projected the fulfillment of the ancient Scriptures,

³⁰ The text here is reproduced from García Martínez and Tigchelaar, *Dead Sea Scrolls*, 2:1150–51. The García Martínez-Tigchelaar text is adapted from that of M. Baillet, *Les ‘Petites Grottes’ de Qumrân* (ed. M. Baillet, J. T. Milik, and R. de Vaux; DJD 3; Oxford: Clarendon, 1962), 126, with an English translation of Baillet's original French. Baillet describes the hand as “hérodienne,” therefore giving a date roughly between the mid-first-century B.C.E. and mid-first-century C.E.

³¹ Baillet reconstructs [. . . בארצות]ם ולירותם on the basis of Ezek 20:23 and Ps. 106:27. In light of Ezekiel's dependence on the Holiness Code, esp. Lev 26 (see Jacob Milgrom, “Leviticus 26 and Ezekiel,” in *The Quest for Context and Meaning: Studies in Biblical Intertextuality in Honor of James A. Sanders* [eds. C. A. Evans and S. Talmon; Leiden: Brill, 1997], 57–62) it is likely that Ezek 20:23 itself is drawing on Lev 26:33. Ps. 106:27 may also be dependent on Ezek 20. Thus, even if the phrasing of line 4 above is influenced by either Ezek 20:23 or Psalm 106:27, it is still reasonable to view Lev 26 as the ultimate source for the language and ideas of the text. In any event, only in Lev 25–26 do we find the constellation of all four ideas present in 6Q12: the jubilee, the depopulation of the land, the “extermination” and the “dispersal” among the nations.

it is plausible to suppose that he foresaw the passage of a certain number of jubilees (line 3) followed by an eschatological judgment (line 4) preceding the inauguration of the eschatological era. At least, such a reconstruction would be consistent with other apocalyptic re-interpretations of Lev 25–26 already examined.

3.2. *The Unnamed Prophetic Document 4Q383–391*

Two other texts from Qumran preserve a more substantial picture of the eschatological views of their authors: the document represented by 4Q383–391 and 11QMelchizedek (11Q13).

The collection of manuscripts comprising 4Q383–391 have a confusing and conflicting history of interpretation.³² Originally assigned to John Strugnell, who together with Devorah Dimant produced the preliminary publication and assessment of the fragments, the manuscripts have been divided into different hypothetical documents initially described as “pseudo-Jeremianic”³³ but later given the titles “Pseudo-Ezekiel,”³⁴ “Second Ezekiel,”³⁵ “Pseudo-Moses,”³⁶ and “Apocryphon of Jeremiah,”³⁷ among others. Dimant, who was involved in Strugnell’s original publications on the collection and has produced the critical edition for the *DJD* series, has changed her opinions

³² The evolution and mutation of thought on this set of manuscripts can be seen by perusing Milik, *Books of Enoch*, 245–46 n. 5; John Strugnell and Devorah Dimant, “4Q Second Ezekiel (4Q380),” *RevQ* 13 (1988): 45–58; idem, “The Merkabah Vision in Second Ezekiel (4Q385 4),” *RevQ* 14 (1990): 331–48; Dimant, “The Seventy Weeks Chronology (Dan 9,24–27) in the Light of New Qumranic Texts,” in *The Book of Daniel in the Light of New Findings* (ed. A. S. van der Woude; BETL 106; Leuven: Peeters, 1993), 57–76, specifically 69, 72–76; eadem, “New Light from Qumran on the Jewish Pseudepigrapha—4Q390,” in *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18–21 March 1991* (ed. J. T. Barrera and L. V. Montaner; 2 vols.; Leiden: Brill, 1992), 2:405–48; eadem, *Qumran Cave 4.XXI. Parabiblical Texts, Part 4: Pseudo-Prophetic Texts* (DJD 30; Oxford: Clarendon, 2001) [hereafter DJD 30], 91–92. Monica Brady gives an excellent summary of the history of scholarship on these texts in “Prophetic Traditions at Qumran: A Study of 4Q383–391,” (2 vols; Ph.D. diss., University of Notre Dame, 2000) 1:5–15.

³³ By Milik (*Ten Years of Discovery in the Wilderness of Judaea* [SBT 26; trans. J. Strugnell; London: SCM Press Ltd., 1959], 36) and Strugnell (quoted in Milik, “Le Travail d’Édition des Fragments Manuscrits de Qumrân,” *RB* 63 [1956] 65).

³⁴ Strugnell, “The Angelic Liturgy at Qumrân,” *Congress Volume, Oxford, 1959* (VTSup 7; Leiden: Brill, 1960) 318–45, esp. 344.

³⁵ Strugnell and Dimant, “4QSecond Ezekiel.”

³⁶ Dimant, “New Light,” 406–7.

³⁷ Dimant, “New Light,” 406–7.

on the number of documents represented in 4Q383–4Q390, the fragments each document comprises, and the names of the documents several times.³⁸ Scholarship on the collection has been further obfuscated by conflicting nomenclature and numbering systems between various prominent publications of the scrolls.³⁹ There is even considerable inconsistencies between various authorities concerning how many and which fragments are to be assigned to each manuscript (4Q383, 4Q384, etc.), and where among the official photographs these fragments are to be found.⁴⁰

In her critical edition of 4Q385–390, Devorah Dimant identifies fragments of 4Q387 and 4Q390 which mention the jubilee, along with fragments of other manuscripts, as belonging to a document she entitles *Apocryphon of Jeremiah C* (4QapocrJer C).⁴¹ She argues that distinctions of form and content enable her to distinguish this *Apocryphon* from two other documents also attested in the fragments of 4Q385–390, which she calls 4QPseudo-Moses and 4QPseudo-Ezekiel.⁴²

However, in her recent dissertation on 4Q383–4Q390, Monica Brady argues that there is insufficient evidence to justify ascribing these manuscripts to different documents. The stylistic and formal differences Dimant identifies between the various fragments of 4Q383–390 are no greater than the variations that exist within individual biblical books, prime examples being the books of Jeremiah and Ezekiel themselves. Furthermore, the physical evidence and frequent textual overlaps between fragments argue for recognizing 4Q383–4Q390 as multiple copies of a single document. Wisely, however, Brady does not further obfuscate scholarship by proposing yet another name for the work.

This study will accept Brady's conclusion that 4Q383–391 represents one composition. However, Dimant's identification of 4Q387 and 390—the two manuscripts which mention the jubilee—as belonging to a separate document (*Apocryphon of Jeremiah C*) is not without some

³⁸ Compare her positions as expressed in the works cited above, n. 32.

³⁹ See Brady, "Prophetic Traditions," 1:15, 2:293–302.

⁴⁰ Brady, "Prophetic Traditions," 1:10, 2:293–302.

⁴¹ Dimant, *Qumran Cave 4.XXI. Parabiblical Texts, Part 4: Pseudo-Prophetic Texts* (DJD 30; Oxford: Clarendon, 2001) (hereafter DJD 30), 91–92. Dimant places the *Apocryphon of Jeremiah* in an intermediate category between sectarian (Qumranite) and non-sectarian documents (DJD 30, 112), and dates most of the exemplars of the text to 50–25 B.C.E. (DJD 30, 93–94). The composition of the text she places in the last quarter of the second century B.C.E. (DJD 30, 116).

⁴² Cf. Dimant, "New Light," 405–7.

empirical basis. Dimant is correct in recognizing that the fragments she classifies as the *Apocryphon of Jeremiah C* bear an especially close relationship to one another. Accordingly, her hypothetical *Apocryphon* may have formed a section of the larger composition represented by 4Q383–391.⁴³ Since Brady did not propose a name for 4Q383–390, Dimant’s term *Apocryphon of Jeremiah C* will be used below for convenience, with the understanding that the so-called “Apocryphon” is only a subdivision of the unnamed document attested in 4Q383–391.

The fragments of the *Apocryphon* which mention the jubilee do not mention Jeremiah, but it is important for the interpretation of the text to bear in mind that the description of the events during the weeks and jubilees found in 4Q387 and 4Q390 are probably contextualized within the larger document as a revelation to the prophet. Other fragments make Jeremiah’s role explicit:⁴⁴

2. [] in the land of J[udaea]
3. [] and they prayed for a[ll]
4. [] and]all who remained in the Land of Egyp[t]
5. [Je]remiah son of Helkiah from the Land of Egyp[t]
6. [the thi]rty-sixth year of the exile of Israel they read [these] things[before]
7. a[ll the Children of I]srael upon the river Sour in the presence []

The formal mention of Jeremiah’s full name suggests to Dimant that this fragment is part of the introduction of the *Apocryphon*.⁴⁵ “[These] things” which are to be read “[before] a[ll]” the Israelites would refer to the body of the *Apocryphon*, which reviews Israel’s history and predicts her future. The “voice” of the body of the *Apocryphon* is apparently that of God speaking to Jeremiah.⁴⁶

Dimant has rearranged the received order of the two texts which mention the jubilee (4Q387 and 4Q390) in the process of reconstructing the *Apocryphon*.⁴⁷ According to her reconstruction, the first

⁴³ So Brady, “Prophetic Traditions,” 2:561.

⁴⁴ The following is the translation of 4Q389 1 from DJD 30, 221. The first line is illegible. Other fragments of *Apocryphon of Jeremiah C* which speak of Jeremiah are 4Q385a 18 i–ii.

⁴⁵ See Dimant, *DJD* 30, 96.

⁴⁶ See 4Q385a 18 i, 2 (*DJD* 30, 159–60), and Dimant’s comments in *DJD* 30, 223.

⁴⁷ See Dimant, *DJD* 30, 96–100. Florentino García Martínez and Michael Knibb argue that 4Q390 2 i preceded 4Q390 1 in the original order of the manuscript. See García Martínez “Nuevos Textos No Biblicos Procedentes de Qumran,” *Estudios*

of the fragments of the work to mention the jubilee is 4Q390 1, which reads as follows:⁴⁸

- 2 [ו]מפ[ני וא]שוב[]ונחתי[ם] ביד בני אהר[ון] שבעים שנה []
 3 ומשלו בני אהר[ון] בהמה ולא יתהלכו[]בדר[ך] כי אשר אנוכי מצו[ך] אשר
 4 תעיד בהם ויעשו נם הם את הרע בעיני ככל אשר עשו ישראל
 5 בימי ממלכתו הרישונים מלבד העולים רישונה מארץ שבים לבנות
 6 את המקדש ואדברה בהמה ואשלחה אליהם מצוה ויבינו בכול אשר
 7 עזבו הם ואבותיהם ומתום הדור ההוא ביובל השביעי
 8 להרבן הארץ ישכחו חוק ומועד ושבת וברית ויפרו הכול ויעשו
 9 הרע בעיני והסתרת[]פני מהמה ונחתי[ם] ביד איביהם והסגרת[ים]
 10 להרב והשארתי^{מס} פלישים למע[ן] אשר לא^ע [כ]ל[ני] בהחתי
 [נ] בהסתר פ[ני]
 11 מהם ומשלו בהמה מלאכי המש[ט]נות ומ[א]סתי[ם] [ו]ישוב[ן]
 12 ויעשו [את] הרע בעיני[]ויתהלכו בשך[]ידות לבם []
2. [and] be[fore me and a]gain I shall [deliver them]into the hand of the sons of Aar[on] seventy years[]
 3. And the sons of Aaron will rule over them, and they will not walk [in]my[wa]ys, which I command you so that
 4. you may warn them. And they too will do what is evil in my eyes, like all that which the Israelites had done
 5. in the former days of their kingdom, except for those who will come first from the land of their captivity to build
 6. the Temple. And I shall speak to them and I shall send them a commandment, and they will understand everything which
 7. they and their fathers had abandoned. And from (the time) when that generation comes to an end, in the seventh jubilee
 8. of the devastation of the land, they will forget statute and festival and Sabbath and covenant. And they will violate everything and they will do
 9. what is evil in my eyes. Therefore I shall hide my face from them and deliver them into the hands of their enemies; and [I] shall deliver [them up]
 10. to the sword. But I shall leave among them refugees, s[o] that [t]he[y] should not be an[ni]h[il]ated in my wrath[and] when [my] fa[ce] is hidden
 11. from them. And the Angels of Mas[te]mot will rule over them, and[I shall] sp[urn] them and they[] will return

Biblicos 49 (1991): 97–134, esp. 130–34; and Knibb, “A Note on 4Q372 and 4Q390,” in *The Scriptures and the Scrolls* (ed. F. García Martínez, A. Hilhorst, and C. J. Labuschagne; Leiden: Brill, 1992), 164–77. A. Steudel defends Dimant’s ordering (frg. 1 → frg. 2 i) (“אחרית הימים” in the Texts from Qumran,” *RevQ* 62 (1993): 225–46, esp. 240 n. 76.

⁴⁸ Text and translation reproduced from DJD 30, 237–38. Lines 1 and 13 of the fragment are illegible.

12. to do [wh]at is evil in[my] eyes, and they will walk in the will[fulness of their heart]

The fragment gives a schematic recounting of the history of Israel from the exile into the Second Temple period. Sabbatical and jubiliary chronologies are clearly at work. Which historical periods the sabbatical and jubilee units describe is not entirely clear, however, because the time-frames of the text do not correspond well with known Second Temple chronology.

For example, the statement "I shall deliver them into the hands of the Sons of Aaron seventy years . . ." (line 2) would seem to refer to the period of priestly rule during the Second Temple period.⁴⁹ However, even allowing the author generous poetic and schematic leeway, "seventy years" seems too short to cover this era. However, there is a gap before the phrase "seventy years"; perhaps it contained a word for "after" (בְּתֵר, אַחֲרֵי, לְסוֹף), giving the sense, "I will deliver them into the hands of Aaron *after* seventy years." The line would then be describing the priestly rule of Judaea after the traditional "seventy years" of exile. Be that as it may, if lines 2–4 describe the period of priestly rule in Judea, then the account is awkwardly dischronologized: lines 5–7 backtrack to discuss the exceptional instance of the faithfulness of the first generation who returned to rebuild the temple. If the text indeed attributes "seventy years" to the period of iniquitous priestly rule, it recalls to mind *T. Levi* 16:1–2, which describes the perversion of the priesthood for "seventy weeks." However, *T. Levi*'s "seventy weeks [of years]" is a much better fit for the period between the exile and the second century B.C.E. (the approximate period of the composition of most of these documents) than 4Q390's "seventy years."

When describing "those who returned first . . ." (line 5), the author probably has in mind the period of time recounted in Ezra 1–6 (or possibly all of Ezra), which portrays the building of the Second Temple in a positive vein. Ezra 3, 6, 9, and 10 narrate the proper celebration of the cult and the festivals in this period, and communal repentance of the people for departing from the Law. "And I shall speak to them and I shall send them commandments, and they will understand everything which they and their fathers had abandoned" (lines 6–7) may refer to the ministry of the post-exilic prophets

⁴⁹ DJD 30, 243.

Haggai and Zechariah (Ezra 5:1, 6:14) and that of the priest Ezra himself.

The actual phrase describing the transition from the “good generation” that returned first to build the temple to the subsequent faithless generations seems confused. Dimant translates the Hebrew literally:

7 . . . ומתום הדור הווא ביובל השביעי 8 להרבן הארץ ישכחו חוק
ומועד ושבת וברית

7 And from (the time) when that generation comes to an end, in the seventh jubilee 8 of the devastation of the land, they will forget statute and festival and Sabbath and covenant.

Although Dimant’s translation is accurate, it gives the impression that the “generation” (הדור) of those who returned first to rebuild the temple lasted into the *seventh* jubilee of the devastation of the land.⁵⁰ A better translation might be: “And after that generation has passed on, in the seventh jubilee of the devastation of the land they will forget statute and festival. . . .” In other words, the “seventh jubilee” is not the period in which “that generation” comes to an end, but simply arrives some time after that generation—apparently quite a long time after it.

What takes place between the end of the first generation of returnees and the arrival of the seventh jubilee? One would suppose this period was characterized by the general unfaithfulness typical of the era of priestly rule described in lines 3–5, although—as mentioned—“seventy years” seems inadequately short to describe this timeframe. With the arrival of the seventh jubilee, however, events seem to take a decided turn for the worse. The people forget “statute and festival and Sabbath and covenant.” “Festival and Sabbath” (ומועד ושבת) seems to refer particularly to negligence in observing the cultic calendar.

⁵⁰ The phrase “the seventh jubilee of the desolation of the land” (ביובל השביעי) (להרבן הארץ) clearly implies that there were seven jubilees during which the land was devastated, and this period of seven jubilees could scarcely have started before 587 B.C.E. (the destruction of the temple) or 597 B.C.E. (the large deportation from Jerusalem) at the earliest. Seven jubilees are roughly 350 years; the seventh jubilee would be approximately 287–237 B.C.E. Granted, the chronology of the author of 4Q390 was certainly “inaccurate” by the standards of our modern system, and allowance must be made for the genre’s figurative use of language. Nonetheless, we should still expect a general, if inexact, correspondence between the time-frames described by the author and those we know from history.

As result of the people's unfaithfulness, the Lord (1) hides his face from them, (2) hands them over to their enemies and the sword, and (3) delivers them to be ruled by the "angels of Mashtemot" (מלאכי המש[ט]מות), that is, demonic powers. Nonetheless, a remnant is left so that the people are not completely annihilated.

4Q390's characterization of the "seventh jubilee" as a period of acute wickedness seems strikingly similar to *1 Enoch* 93:9, which places the appearance of a "perverse generation" in the "seventh week." Likewise, *T. Levi* 17:11 places the nadir of the perversion of the priesthood in the "seventh week" of the seventh jubilee. In these documents, the seventh period is—ironically—characterized not by shalom but by disaster. However, as we will see shortly, 4Q390 differs from *1 Enoch* and *T. Levi*: in these other documents the eschatological deliverance begins after the end of the seventh period; whereas in 4Q390 the period of punishment continues through the tenth period.

In Dimant's reconstruction, the next fragment of the *Apocryphon of Jeremiah C* which mentions the jubilee is 4Q387 2 ii:⁵¹

1	[] יע[] [] כם[] ותחזקו לעבדני בכל לבבכם
2	ובכל נפשכם ובק[ש]ן פ[נ]י בצר להם ולא אדרש להם
3	בעבור מעלם [א]שר מעל[ו] עמ[י] עד שלמות עשרה
4	יבלי שנים ויהיה[ל] כחם בל[ש]נעון ובעורון וחמה
5	הלבב ומחם הדור[] והוא א[ק]רע את הממלכה מיד המהו[ק]ים
6	אתה ו[ה] קימותי עליה אחרים מעם אחר ומשל
7	[הז]דון בכל[] הא[ר]ץ וממלכת ישראל תאבד בימים
8	המה[] ה[י]ה מלך וה[ו]א נדפן ועשה תעבות וקרעתי
9	את[] ממלכ[תו] והמלך ה[ו]א למכל[]ם ופני מסתרים משר[א]
10	[] לל[] חשוב לנזים רבים ובני ישראל זעקים
11	מפני על כבוד מארצות שבי[ם] ו[א]ין משי[ע] להם
12	[יען] ביען חקתי מאסו וחרתי נעלה נפשם ע[ל] כן []

1. [] [] your[] and be resolute to serve me with all your heart
2. and with al[l] your soul'. And they will se[e][k] my pre[s]ence in their affliction, but I shall not respond to their inquiry,
3. because of the trespass [wh]ich they have trespassed [against] m[e], until the completion of ten
4. jubilees of years; and you will be wa[l]king in ma[dn]ess and in blindness and bewilderment
5. of heart. And after that generation comes to an end, I shall [tear away] the kingdom from the hand of those who seize

⁵¹ Text and translation reproduced from DJD 30, 179–81.

6. it, and [I sha]ll raise up over it others from another people, and the insolence will rule
7. over all[the l]and, and the kingdom of Israel will be lost. In those days
8. there[will]b[e a king and h]e (will) be a blasphemer and he will commit abominations, and I shall tear away
9. his]king[dom, and th]at [king] (will be) to the destroy[e]rs. And my face shall be hidden from Israel
10. [] [will return]to many nations. And the Children of Israel will be crying out
11. [because of the heavy yoke in the lands of]their[captivity] and [there will be none to deliv]er them
12. [because they have spurned my statutes and abhorred my Torah. There]fo[re]

Here we read that the LORD will not heed Israel's pleas for salvation "until the completion of ten jubilees." This statement seems to accord well with Daniel 9:24–27 and *T. Levi* 16:1, which conceive of the post-exilic age as "seventy weeks", that is, ten jubilees. Then the sense of lines 3–4 would be, The Lord will not respond to the people's pleas for salvation until ten jubilees "of the desolation of the land" (4Q390 1, 7–8) have been completed from the exile.

However, there is ambiguity in line 5: "after that generation comes to an end, I shall tear away the kingdom . . ." After which generation? The "generation" of the tenth jubilee? Or the generation of the "seventh jubilee" (4Q390 1, 7–8) or some other jubilee presumably mentioned between 4Q390 1 and 4Q387 2? The latter option is preferable, because the implication of lines 3–4, that the Lord "shall not respond to their inquiry . . . until the completion of ten jubilees," is that *after* the "completion of ten jubilees" he *will* respond to their inquiry. Yet "after that generation comes to an end . . ." (line 5) the Lord does not begin to heed the people's cries; on the contrary, events take a further turn for the worse. Therefore, the mention of the "completion of ten jubilees" in lines 3–4 should be taken proleptically; line 5 does not begin the narrative of events after the tenth jubilee, but resumes the preceding narrative of events *within* the ten-jubilee timeframe—possibly between the seventh jubilee and before the end of the tenth.

The continued description of the catastrophic events of this era in lines 5–12 could apply to a number of historical conflicts in the latter part of the Second Temple period, or, as Dimant thinks, may describe the post-exilic period in general, from 587 B.C.E. (" . . . the

kingdom of Israel will be lost . . ." line 7) forward.⁵² If Dimant is correct, then the narrative sequence between 4Q390 1 and 4Q387 2 is not strictly chronological. Rather, we are presented with redundant, successive descriptions of roughly the same era in Israel's history. However, if this is the case, it would seem to undercut Dimant's argument for the priority of 4Q390 1 in the order of the *Apocryphon of Jeremiah C*, which is based on the presumed chronological sequence of the narrative.⁵³ Brady notes that "it simply is not absolutely clear in which order the fragments appeared"⁵⁴ and the identification of described events is difficult because "the chronology appears to be schematic in nature."⁵⁵

The inability to identify the events referred to in 4Q387 1 conclusively is not for lack of text. Since parts of 4Q387, 4Q385a, 4Q388a, and 4Q389 overlap, it is possible to reconstruct one and one-half columns of continuous text which begins with 4Q387 1 and ends with 4Q388a 7. Despite this relative wealth of text, the description of events is usually vague and does not appear to follow the sequence of our historical reconstructions. The following section of the text, represented in 4Q387 2 and largely paralleled by 4Q388a 7, seems to deal with events in the latter part of the Second Temple period:⁵⁶

4Q387 2 iii

[	את ישראל]	ל מעם בִּימֵי אֲשֶׁר־את ממלכת [מצרים]	1
[	את מצרי]־ם	ואת ישראל אֲשֶׁר וְ[תתו להרב]	2
[	והשמותי א]ת [ה[א]]רץ	ורחקתי את האדָם [ועובתי]	3
[	את הארץ	בִּיד מֶלֶאכִי המשַׁמּוֹת והסַחֲרָתִי [פני]	4
[	מיש]־רָאֵל	וזה להם האות ביום עֲזָבִי את הארץ [בהשמה]	5
[	ושב]־י	כהני ירושלים לעבוד אֱלֹהִים אֲחֵרִים [ולעשות]	6
[	כתע]־בֹּת הָ[נִים]	ל[]ל[]	7

1. [Israe]l from (being) a people. In his days I shall break up the kingdom of [Egypt]
2. [Egyp]t, and I shall break Israel and de[liver her up to the sword]

⁵² Dimant suggests that the "blasphemous king" of line 8 is Nebuchadnezzar II, the conqueror of Jerusalem (DJD 30, 185).

⁵³ See DJD 30, 235–36.

⁵⁴ Brady, *Prophetic Traditions*, 468.

⁵⁵ Brady, *Prophetic Traditions*, 474.

⁵⁶ Text and translation reproduced from DJD 30, 186–87.

3. [And]I[shall lay wa]ste the [I]and and I shall drive man away[and I shall abandon]
4. []the land in the hand of the angels of Mastemot, and I shall hide [my face]
5. [from Is]rael. And this shall be the sign for them: in the day when I abandon the land [in desolation]
6. the priests of Jerusalem [will retur]n to worship other gods[and to act]
7. [according to the abo]minations of the [Gentiles] [] []

From earlier lines of text preserved in 4Q388a 7, it is clear that 4Q387 1 discusses here a “king of the Gentiles” who is a “blasphemer and doer of evils.” Dimant considers this individual to be Antiochus IV Epiphanes, an identification supported somewhat by the description of other events (“the priests . . . will return to worship other gods . . .” line 6) which would correspond to events in the reign of this king.

It is significant that there are several citations or allusions to Lev 26 in this passage.⁵⁷ In general it may be said that the author of *Apocryphon of Jeremiah C* regards the calamities of the Second Temple period as actualizations of the covenant curses of Lev 26.⁵⁸

The delivery of the land into the power of the Angels of Mastemot has already been mentioned in 4Q390 1 ii, 11. Do all these passages refer to the same event, to successive events, or to a general, ongoing disposition of God during this period of punishment? It is difficult to determine. Indeed, the following passage, the last extant fragment to mention the jubilee, also records the delivery of the land to the Angels of Mastemot:⁵⁹

4Q390 2 i

2 [וא]ת[] בית[]י ומזבח[]י וא[]ת מקדש הקד[]ש []
 3 נעשה כן [] כי אלה יבאו עליהם]
 4 ממשלת בליעל בהם להסגירם להרב שבוע שנים[] תביובל ההוא יהיו
 5 מפרים את כול חקותי ואת כל מצותי אשר אצוה א[]והם ואשלת ב[]י
 עבדי הנביאים
 6 וי[]ל[]ן להריב אלה באלה שנים שבעים מיום הפר ה[]אלה ו[]ן ברית
 אשר יפרו ונתחם

⁵⁷ Cf. line 2 (ונתחו להרב), reconstructed confidently from the parallel in 4Q388a 7 ii 5) and Lev 26:33; line 3 (והשמותי את ה[]א[]י) and Lev 26:32; line 5 (עובי את הארץ) and Lev 26:43.

⁵⁸ See Dimant, comment to 4Q388a 7 ii 1, DJD 30, 210.

⁵⁹ Text and translation from DJD 30, 244–46.

- 7 [בִּיד מִלְאֲכֹה הַמְשַׁטְמוֹת וּמִשְׁלֹךְ בָּהֶם וְלֹא יָדְעוּ וְלֹא יָבִינוּ כִּי קִצְפָתִי
עֲלֵיהֶם בְּמוֹעֵלָם
8 [אֲשֶׁר עָנִין בִּנְיָי וַיַּעֲשׂוּ הָרַע בְּעֵינַי וּבְאֲשֶׁר לֹא חִפְצָתִי בָחָרוּ לְהַתְנַכֵּר לַחַיִּין
וּלְבַצֵּעַ
9 [וּלְחַמֵּס וְאִין שֶׁ אֲשֶׁר לִדְ[ע] הוּא יִנְזֹלוּ וַיַּעֲשׂוּקוּ אִישׁ אֶת רַעְהוּ אֶת מִקְדָּשִׁי
יִשְׁמָאוּ
10 [אֶת שְׁבִתוֹתַי יִחַלְלוּ] [אֶת] [מִן] עַדִּי יִשְׁ[כַּח] וְ[וּ] בְּבִנְיָי נִכְר [יִחַלְלוּ] [אֶת]
זֶר[ע]ם כּוֹהֲנֵיהֶם יִדְמִסוּ

2. [and my]house[and my altar and th]e Holy of Ho[lies]
3. so it was done [] for these things will befall them[] and[there] will be
4. the rule of Belial over them so as to deliver them to the sword for a week of years[and]in that jubilee they will be
5. violating all my statutes and all my commandments which I shall have commanded th[em and sent in the ha]nd of my servants, the prophets.
6. And[t]he[y]will be[gi]n to quarrel among themselves for seventy years, from the day of the violation of the[oath and the]covenant which they will have violated. So I shall deliver them
7. [into the hand of the An]gels of Mastemot, and they will rule over them. And they will not know and they will not understand that I was angry with them because of their trespass,
8. [by which they will have for]saken me, and will have done what is evil in my eyes, and what I did not want they will have chosen: to pursue wealth and gain
9. [and violence, ea]ch robbing that which belongs to his neigh[b]our, and oppressing each other. They will defile my Temple,
10. [they will profane my sabbaths,] they will for[ge]t my[fes]tivals, and with fo[reign]ers [t]he[y]will profane their offspr[ing]. Their priests will commit violence

The text refers to a sabbatical year-week (line 4), a jubilee (line 4), and another period of “seventy years” (line 6). The year-week is characterized by the rule of Belial and results in violence (military defeat?). This “week” is part of a larger jubilee characterized by violation of the commandments and covenant, the rule of the Angels of Mastemot, greed, violence, theft, oppression, defilement of the Temple, neglect of the cultic calendar, and intermarriage with foreigners. At some point the jubilee apparently overlaps with a seventy-year period of internal strife (line 6).

To which historical events do these descriptions refer? Unfortunately, the descriptions are general enough to correspond with a number of different periods in Israel’s history: for example, the state of Judea during Nehemiah’s ministry would fit (cf. Neh. 5:1–13, 13:1–13), or

else some other Second Temple period. Moreover, the text does not overlap with any other fragments of 4Q*Apocryphon of Jeremiah C*, which would enable a positive identification of its place in the narrative sequence. Dimant places 4Q390 2 near the end of the prophetic narrative of the *Apocryphon*, not long before the eschatological era.⁶⁰ If she is correct, then the “jubilee” mentioned should be the eighth or ninth; after the seventh (4Q390 1), but not yet the tenth.⁶¹

3.2.1. *General Assessment of “Apocryphon of Jeremiah C”*

Although the historical referents of the events described in the so-called “*Apocryphon of Jeremiah C*” and the exact sequence of the text’s chronology are not completely clear, the jubilee cycle is obviously important to the author’s periodization of (future) history. The ten-jubilee period described by the text (4Q387 1 ii 3–4) probably begins with the exile and ends with the eschaton, in agreement with other Second Temple texts,⁶² particularly Dan 9:24–27.

In fact, it seems possible to suggest that there is a close relationship between *Apocryphon of Jeremiah C* and Dan 9:24–27. It was argued above (ch. 8) that in Dan 9, Daniel realizes that the national repentance necessary for the actualization of Jeremiah’s promise of restoration after seventy years has not taken place. On behalf of his people, he prays a prayer of repentance, and receives an oracle from the angel Gabriel to the effect that the promised restoration will take place, but only after a delay of “seventy weeks” of years, presumably due to the people’s failure to repent. The figure of “seventy weeks,” equivalent to ten jubilees, was derived, it was argued, by multiplying Jeremiah’s “seventy years” by seven in accordance with Lev 26:18, which states that the penalty for lack of repentance is sevenfold punishment.

⁶⁰ DJD 30, 100.

⁶¹ Why not the tenth? Because a period of “seventy years” of quarreling begins in this jubilee, which overlaps to the next. If this period began in the tenth jubilee, the quarreling would continue into the eschatological era, which surely could not have been the author’s intent.

⁶² The key text here is 4Q390 1 ii 7–8, which speaks of the “seventh jubilee of the desolation of the land,” implying that there are at least seven jubilees of the land’s desolation. 4Q387 1 ii 3–4 implies that the Lord will once again listen to the prayers of his people after the completion of ten jubilees. Thus, the end of the ten jubilees would correspond to the beginning of the eschatological era.

The author of *Apocryphon of Jeremiah C* clearly saw the calamities of the Second Temple period as fulfillments of the covenant curses of Lev 26. The chronological figures of “ten jubilees” and “seventy years” provide links with Dan 9:1 and 9:24 (“seventy weeks” = ten jubilees). It is proposed that the author has grasped the sense of Dan 9—i.e. the multiplication of Jeremiah’s “seventy years” by the sevenfold punishment of Lev 26—and is taking the argument of Dan 9 one step further: he attributes Daniel’s visionary “updating” of Jeremiah’s “seventy year” prophecy to *Jeremiah himself*. The claim of *Apocryphon of Jeremiah C* is that Jeremiah himself foresaw the sevenfold delay of the fulfillment of his “seventy year” prophecy.⁶³

3.3. *11QMelchizedek*

3.3.1. *Text and Translation*

The most extensive and interesting references to the jubilee at Qumran occur in a text which has generated no small amount of scholarly interest and excitement over the past half-century: 11QMelchizedek (11Q13). This eschatological description of the last days, consisting of thematic *pesharim* taken from the Pentateuch, Isaiah, and the psalms, was first published by A. S. van der Woude in 1965.⁶⁴ Subsequently, suggestions for revised readings of the text were submitted by Yigael Yadin,⁶⁵ Daniel F. Miner,⁶⁶ and F. du Toit Laubscher.⁶⁷ Completely reworked editions and translations of the text have been published by M. de Jonge and van der Woude,⁶⁸

⁶³ Although Jeremiah is not mentioned in the fragments reproduced above, it is clear from other fragments of the text that the context is a divine revelation to Jeremiah. See 4Q385a 18 i a-b (DJD 30, 159–60) and 4Q385a 18 ii (DJD 30, 163–64).

⁶⁴ A. S. van der Woude, “Melchisedek als himmlische Erlösergestalt in den neugefundenen eschatologischen Midraschim aus Qumran Höhle XI,” *OTS* 14 (1965): 354–73.

⁶⁵ Yigael Yadin, “A Note on Melchizedek and Qumran,” *IEJ* 15 (1965): 152–54.

⁶⁶ Daniel F. Miner, “A Suggested Reading for 11Q Melchizedek 17,” *JSS* 2 (1971): 144–48.

⁶⁷ F. du Toit Laubscher, “God’s Angel of Truth and Melchizedek: A Note on 11QMelch 13b,” *JSS* 3 (1972): 46–51.

⁶⁸ M. de Jonge and A. S. van der Woude, “11Q Melchizedek and the New Testament,” *NTS* 12 (1966): 301–26.

Jean Carmignac,⁶⁹ J. T. Milik,⁷⁰ Émile Puech,⁷¹ and finally, by Florentino García Martínez, Eibert J. C. Tigchelaar, and (once again) van der Woude.⁷²

The publication of the text and translation by García Martínez *et al.* in DJD 23—since it includes the input of the original editor (van der Woude), who had the opportunity to respond and investigate alternate proposals from a host of eminent scroll scholars—is surely the most authoritative, and will serve as the basis of the following discussion.

García Martínez *et al.* seem to favor Milik's suggestion that 11QMelchizedek was copied between 75–50 B.C.E.⁷³ They do not offer a suggestion for the date of composition, but Puech argues for the second century B.C.E.⁷⁴ It is, therefore, indisputably a pre-Christian document which fits the general milieu of other Second Temple eschatological works which have been examined above.

García Martínez *et al.* give the text and translation as follows:⁷⁵

- 2] ל ואשר אמר בשנת היובל [הנאות תשובו איש אל אהותו
ועליו אמר ות]ה
3 [דבר השמטה] שמוט כול בעל משה יד אשר יש[ה] ברעהו לוא ינוש את
רעהו ואת אהיו כיא קרא [שמטה
4 לא]ל פשרו [לאחרית הימים על השבויים אשר]
ואשר
5 מורימה החבאו וסת[ר] [ו]מנחלת מלכי צדק כ[י]א [.] והמה
נחל[ת] מלכי צדק אשר
6 ישבמה אליהמה וקרא להמה דרור לעזוב להמה[] משא [כול עונותיהמה
ו]כן ית[ה] הדבר הזה
7 בשבוע היובל הראשון אחר תש[עה] ה[י]ובלים י[ום] הכפ[ה] ה[וא]ה
סוף [ה]יבל העשירי

⁶⁹ Jean Carmignac, "Le document de Qumran sur Melkisédeq," *RevQ* 7 (1970): 343–78.

⁷⁰ J. T. Milik, "Milkī-šedeq et Milkī-reša' dans les anciens écrits juifs et chrétiens," *JSS* 23 (1972): 95–144.

⁷¹ Émile Puech, "Notes sur le manuscrit de XIQMelchisédeq," *RevQ* 12 (1987): 483–513.

⁷² Florentino García Martínez, Eibert J. C. Tigchelaar, and Adam S. van der Woude, "11QMelchizedek," in *Qumran Cave 11.II: 11Q2–18, 11Q20–31* (DJD 23; Oxford: Clarendon, 1998) (hereafter DJD 23), 221–33.

⁷³ DJD 23, 223.

⁷⁴ Puech, "Notes," 509–10.

⁷⁵ The following is reproduced from DJD 23, 224–26 (transcription) and 229–30 (translation). This comprises figs. 1, 2i, 3i, and 4 of 11QMelch. The other legible fragments of the work are too fragmentary to offer significant insights into its character or assertions. Care has been taken to recreate the formatting in DJD 23, since at points the relative sizes of lacunae are significant.

- 8 לכפר בו על כול בני [אור ה] אנשי [נורל מלכי] צדק [] • על [המ]ה
הת [לפני] [כ]ול [עש] והמה כיא
9 הואה הקץ לשנת הרצון למלכי צדק ולצב [איו ע] • קדושי אל לממשלת
משפט כאשר כחוב
10 עליו בשירי דוד אשר אמר אלוהים [נ]צב בע[דת אל] בקורב אלוהים
ישפט ועליו אמ[ר] [ן] עלי[ה]
11 למרום שוכה אל ידין עמים ואשר א[מר] עד מתי ת[שפוטו] עוול ופני
רשע[ים] הש[או ס] לה
12 פשרו על בליעל ועל רוחי נורלו אשר [] • ימ בסו[רמ] ה מוחקי
אל ל[הרשיע]
13 ומלכי צדק יקום נקם משפטי א[ל] וביום ההואה יצי[ל]מה מיד [בליעל
ומיד כול ר[וחי] נורלן]
14 ובעזרו כול אלי [הצדק וה]ואה א[שר]
והפ[ן]
15 הזואת הואה יום ה[שלום א]שר אמר[] ביד ישע[יה] הנביא
אשר אמר[] מה [נאו]
16 על הרים רנל[ים] מבשר[ן] שמיע שלום מב[שר] טוב משמיע ישוע[ה] ה [א]ומר
לציון [מלך] אלוהיך
17 פשרו ההרים [המה] הנביא[ים] [המה א] • [] •
לכול • •
18 והמבשר הו[ואה] משיח הרו[ח] כאשר אמר דנ[יאל] עליו עד משיח נניד
שבעים שבעה ומבשר[]
19 טוב משמיע ישועה [הואה] הכחוב עליו אשר []
20 לנה[ם] ה[אבלים] פשרו [ל]ה[שכילמה] בכול קצי הע[ולם]
21 באמת למ[] מה א[]
22 • • [ר] הוסרה מבליעל וחש[וב] נק[]
23 [] במשפט[ים] אל כאשר כחוב עליו[ן] אומר לצי[ון] מלך אלוהיך
[צי]ון ה[יאה]
24 עדת כול בני הצדק המה [מקימ[ים] הברית הסרים מלכת [בד]ך העם
ואל[ו]ן היך הואה
25 [מלכי צדק אשר יצי[ל]מה מי]ד בליעל ואשר אמר והעברתמה שו[ן]פר
[ב]כול [א]רץ

2. [] and as for what he said: 'In [this] year of jubilee [each of you shall return to his property]', concerning it he said: 'And th[is] is
3. [the manner of remission:] every creditor shall remit what he has lent [his neighbour. He shall not press his neighbour or his brother for it has been proclaimed] a remission
4. of Go[d]. Its interpretation] for the final days concerns the captives, who [] and whose
5. teachers have been hidden and kept secret, and from the inheritance of Melchizedek, fo[r] and they are the inheritan[ce of Melchize]dek who
6. will make them return. And liberty shall be proclaimed to them, to free them from [the debt of] all their iniquities. And this [wil]l [happen]
7. in the first week of the jubilee (that occurs) after [the] ni[ne] jubilees. And the D[ay of Aton]ement i[s] the e[nd of] the tenth [ju]bilee,

8. in which atonement shall be made for all the sons of [light and for] the men [of] the lot of Mel[chi]zedek[] over [th]em [] accor[ding to] a[ll] their [doing]s, for
9. it is the time for the year of grace of Melchizedek and of [his] arm[ies, the nati]on [of] the holy ones of God, of the adminis-
tration of justice, as is written
10. about him in the songs of David, who said: 'Elohim shall [st]and
in the ass[embly of God]; in the midst of the gods he shall judge'.
And about him he sa[id: 'And] above [it,]
11. to the heights, return: God shall judge the nations'. And as for
what he s[aid: 'How long will you] judge unjustly, and be par[tial]
to the wick[e]d. [Se]lah',
12. the interpretation of it concerns Belial and the spirits of his lot
wh[o], in [the]ir tur[ning] away from God's commandments to
[commit evil].
13. And Melchizedek will carry out the vengeance of Go[d]'s judge-
ments [and on that day he will flr[ee them from the hand of]
Belial and from the hand of all the s[pirits of his lot.]
14. And all the gods [of justice] are to his help; [and h]e is (the one)
wh[o] all the sons of God, and he will [
15. This [] is the day of [peace ab]out which he said [through
Isa]iah the prophet who said: ['How] beautiful
16. upon (the) mountains are the feet [of] the messen[ger who
an]nounces peace, the mes[senger of good who announces sal-
vati]on [sa]ying to Zion: your God [is king'].
17. Its interpretation: the mountains [are] the prophet[s]; they []
every []
18. And the messenger i[s] the anointed of the spir[it], as Dan[iel]
said [about him: 'Until an anointed, a prince, it is seven weeks'.
And the messenger of]
19. good who anoun[ces salvation] is the one about whom it is writ-
ten [
20. 'To comfo[rt] the [afflicted]', its interpretation:] to [in]struct them
in all the ages of the w[orld in truth [] [
22. [] has turned away from Belial and shall retu[rn to] [
23. [] in the judgment[s of] God, as is written about him: '[saying
to Zi]on: your God is king'. [Zi]on i[s]
24. [the congregation of all the sons of justice, who] establish the
covenant, who avoid walking [on the p]ath of the people. And
'your G[o]d' is
25. [Melchizedek who will fr[ee [them from the han]d of Belial. And
as for what he said: 'And you shall blow the ho[rn in] all the
[]and (of)

3.3.2. *Commentary*

Scholarly discussion of 11QMelch has been dominated by disputes over the ontological status of Melchizedek (divine, human, or angelic)

and the possible relationship between this work and the New Testament's Epistle to the Hebrews.⁷⁶ The following comments do not address these issues *per se* and make no attempt to deal comprehensively with the text. Instead, the focus will be on those passages of the text relevant to the history of the interpretation of the jubilee.

The extant text opens with a quotation of Lev 25:13 (line 2). Other quotes from Lev 25 occur in lines 6 and 26, and the themes of jubilee and atonement run throughout the document. Clearly Lev 25 is a key text for the author. Joseph Fitzmyer summed up the significance of Lev 25 to 11QMelchizedek in an oft-quoted paragraph:

The thread which apparently runs through the whole text and ties together its various elements is Lv 25. Parts of three verses of that chapter are quoted. . . . The fragmentary text begins *in media res* with a reference to the jubilee year; it is part of a quotation of Lev 25:13, the first part of the thread running through the text. Into this context of a jubilee year and the regulations prescribed for it in Lev 25 the figure of Melchizedek is introduced. He is apparently given a special role in the execution of divine judgment which is related to a jubilee year.⁷⁷

The stipulation of the jubilee legislation cited in line 2 is the mandate for each Israelite to return to his property (Lev 25:13). This text is immediately illuminated by means of Deut 15:2, concerning the year of release or *shemittah*. The jubilee (Lev 25:8–55) and the *shemittah* (Deut 15:1–11) appear to be equated. It is interesting to note that the LXX translates both דרור (Lev 25:10) and שמיטה (Deut 15:1–2) as ἀφῆσις. This septuagintal reading would lend itself to a conflation of the jubilee and *shemittah*; or, it may itself reflect the fact that Jewish interpreters already equated the two institutions. 1QWords of Moses (1Q22) witnesses a similar equation of the sabbatical and *shemittah* years.

If the socio-economic “releases” of the jubilee and the *shemittah* were equated by the Qumranites—as 11QMelch seems to indicate—

⁷⁶ In addition to the publications on 11QMelchizedek mentioned above, see Joseph A. Fitzmyer, “Further Light on Melchizedek from Qumran Cave 11,” *JBL* 86 (1967): 25–41; M. Delcor, “Melchizedek from Genesis to the Qumran Texts and the Epistle to the Hebrews,” *JSS* 2 (1971): 115–35; David E. Aune, “A Note on Jesus’ Messianic Consciousness and 11Q Melchizedek,” *EQ* 45 (1973): 161–65; Paul J. Kobelski, *Melchizedek and Melchirešaʿ* (CBQMS 10; Washington, D.C.: Catholic Biblical Association, 1981), 49–74; Timothy H. Lim, “Appendix 1: 11 QMelch, Luke 4 and the Dying Messiah,” *JJS* 43 (1992): 90–92.

⁷⁷ Fitzmyer, “Further Light,” 29.

this may explain why nothing is said in any of the Qumran documents about the observation of the jubilee year itself. If attempts were made to observe the *shemittah*, and the observance of the *shemittah* was considered to fulfill the requirements of the jubilee legislation, the jubilee legislation itself may have seemed irrelevant. The jubilee continued to have a chronological and eschatological—but no longer legal—significance.

Line 4 proceeds to give the interpretation of the jubilee and *shemittah* “for the end of days” (פֶּשֶׁר לְאַחֲרִית הַיָּמִים). Does this statement indicate that the author considered the only correct interpretation of the verses to be an eschatological one; or that the verses could be taken in different senses, one of which was eschatological? While it is hard to speak for the author of 11QM^{elch}, the evidence does seem to suggest that the Qumran community as a whole recognized multiple senses of Scripture. Concerning the texts at issue, for example, 1Q22 gives a legal interpretation of the sabbatical/*shemittah* years, and 4QOTot—at least implicitly—gives a cultic/calendrical interpretation of aspects of the sabbatical and jubilee texts. If the author of 11QM^{elch} reflected the attitude toward the senses of Scripture that seems implicit in the variety of exegetical genres present in the Qumran library, then one would be inclined to read פֶּשֶׁר לְאַחֲרִית הַיָּמִים as “its eschatological sense is as follows.”

The eschatological interpretation of these passages concerns “captives” who are the “inheritance of Melchizedek.” Melchizedek makes these captives return, proclaims liberty to them, and frees them from the debt of their iniquities (lines 4–6).⁷⁸ Clearly, then, Melchizedek is seen as personally enacting a jubilee on behalf of the “captives” who are somehow associated with him (his “inheritance”), in much the same way that Isaiah 61:1–2 portrays a messianic figure personally enacting jubilee on behalf of the “poor of Zion.” Indeed, although Isa 61:1–2 is not explicitly cited, it clearly lies behind the *peshet* of lines 4–6.⁷⁹ The word “captives” (שְׁבוּיִים, line 4) is drawn

⁷⁸ García Martínez *et al.* translate וְקִרָּא (line 6) as a passive, in order to avoid identifying Melchizedek as the subject (DJD 23, 231). Yet they fail to provide convincing reasons for this unusual translation, and Melchizedek seems the obvious subject in context. Cf. all the earlier translations, e.g. Fitzmyer, “Further Light,” 28; Puech, “XIQMelkisédeq,” 490; de Jonge and van der Woude, “11QMelchizedek,” 303; Milik, “Milkî-šedeq,” 99; Carmignac, “Melkisédeq,” 358.

⁷⁹ Merrill Miller, “The Function of Isa 61:1–2 in 11Q Melchizedek,” *JBL* 88

from Isa 61:1c (לְקַרְא לְשִׁבּוּיִם דְּרוּר) and the same phrase is reflected in line 6 (וּקְרָא לְהַמָּה דְּרוּר). The “to proclaim liberty to the captives” is the quintessential activity of the “anointed of the spirit” of Isa 61:1–2; Melchizedek is taking on the role of the “anointed of the spirit,” implying that the author identifies the two.⁸⁰

The question naturally arises why the figure of Melchizedek is imported into the context of an eschatological jubilee. Unlike other ancient Near Eastern freedom proclamations, after all, the jubilee did not require an individual potentate to enact it. It was intended to operate impersonally and automatically. Yet, like Isa 61:1–2, 11QMelch assigns an eschatological individual a major role in the actualization of the jubilee, identifying him as Melchizedek.

There are two reasons why Melchizedek may have become associated with the jubilee of the end of days. First, Melchizedek was a suitable high priest to actualize an event as significant as the final jubilee. As noted above, the jubilee is intimately associated with the Day of Atonement. Since the high priest had major role in the ceremonies of the Day of Atonement, one can see how he could be associated with the jubilee as well. It was argued above that the jubilee can be interpreted as the socio-economic expression of the Day of Atonement. If the sacramental acts of the High Priest were seen as effecting the purification of the people on the Day of Atonement, they might also be seen as effecting that liberation of the people which was subsequently “proclaimed” (קָרָא) in the jubilee.

It seems fitting, then, that such a momentous event as the eschatological jubilee should have a high priest of exalted standing in order to actualize it. Melchizedek’s priestly status is attested in the

(1969): 467–69. Miller has demonstrated the importance of Isa 61:1–2 to the argument of 11QMelch, and the truth of his position will become more apparent below.

⁸⁰ Several scholars resist this conclusion, e.g. Fitzmyer, “Further Light,” 31; Timothy H. Lim, “11QMelch,” 91 (citing Fitzmyer), and García Martínez *et al.*, DJD 23, 231. But Lim concedes “11QMelch . . . link[s] the dying prince/messiah of Dan. 9 to the herald of Isa. 52:7, who moreover is identified with him who comforts the mourners of Zion (Isa. 61:2–3).” Thus, as Lim recognizes, “the anointed prince” (Dan 9) = “the herald” (Isa 52:7) = “the anointed of the spirit” (Isa 61:1–2, since it is the “anointed” who comforts the mourners). Yet, since Melchizedek is cast in the role of the “anointed of the spirit” in 11QMelch 6, 9, 13, it seems reasonable to conclude that Melchizedek is also equivalent to these other *personae*. The decision of García Martínez *et al.* not to translate וְקָרָא with Melchizedek as the subject (line 6), because in their opinion Melchizedek is not the “anointed,” simply ensconces their bias in the translation.

two Scriptural passages concerning him (Gen 14, Ps 110). That he was a high priest is affirmed by some ancient traditions,⁸¹ and would seem to correspond to the exalted status he seems to enjoy under certain readings of Gen 14 and Ps 110. If Ps 110 is read in entirety as a second-person address to Melchizedek,⁸² then Melchizedek emerges as a priest of almost-divine character, and thus an excellent candidate for executor of the jubilee of the end times.

A second connection between Melchizedek and the jubilee has been elucidated by James VanderKam on the basis of the narrative of Gen 14:

For the purpose of elucidating 11QM^{elch}, it is interesting that the Melchizedek-king of Sodom pericope [Gen 14] revolves about the subject of returning people and property to their proper owners. These are, of course, the heart of what the sabbatical and jubilee legislation is all about, and Melchizedek figures in the middle of this story. Also, some terms and ideas that play a role in the cave 11 text come from Genesis 14, e. g., the word captive and the notion of returning or restoring.⁸³

Thus, upon further examination, there is more basis for the association between Melchizedek and the eschatological jubilee than might appear to be the case initially.

The three tasks assigned to Melchizedek's agency bear further scrutiny: they are (1) to "make them return to them," (2) to proclaim liberty to them, and (3) to "free them from the debt of all their iniquities" (line 6). The first task picks up the theme of returning that figures so prominently in Lev 25. The second task is the proclamation of liberty central to the jubilee (Lev 25:10) and texts inspired by it (Isa 61:1, but also Jer 34:15). The third task, really a corollary or explication of the second, is to effect a release of the debt of *iniquities*. This is a spiritualizing of the sense of the jubilee. Originally, it has been argued, the jubilee was a socio-economic manifestation of a spiritual event, namely, the purification of sins on the Day of Atonement. Ironically, the author of 11QM^{elch} is here

⁸¹ James Kugel, *The Bible as It Was* (Cambridge, Mass.: Belknap Press, 1997), 154–55.

⁸² See James C. VanderKam, "Sabbatical Chronologies in the Dead Sea Scrolls and Related Literature," in *The Dead Sea Scrolls in Their Historical Context* (ed. Timothy H. Lim; Edinburgh: Clark, 2000): 173–74.

⁸³ VanderKam, "Sabbatical Chronologies," 173.

re-spiritualizing an institution that arose, one might say, as a *materialization* or *concretization* of a spiritual reality. The jubilee is being reabsorbed into the Day of Atonement, because the two events now bear essentially the same significance. This pre-Christian spiritualization of the institution will have implications for the use of jubilee imagery in the New Testament, particularly Luke 4:16–21.

In the lines following the description of Melchizedek's tasks, the time frame for the occurrence of these events is specified. They will occur "in the first week of the jubilee after the nine jubilees" (line 7). Furthermore, the Day of Atonement will constitute "the end of the tenth jubilee," on which the "sons of light" and men of Melchizedek's lot will be provided atonement.

There is some textual ambiguity in these lines. The reading בשבוע at the beginning of line 7 and the word סוף near the end of the line are both uncertain, and הראשון has been read differently in various publications of the text. In fact, rather than the currently accepted reading "in the first week of the jubilee" (בשבוע היובל הראשון) the *editio princeps* read "in the last year of the jubilee" (בשנת היובל האחרון) at the beginning of line 7. This reading of the *editio princeps* is attractive, because it places the eschatological jubilee (lines 4–6) and the eschatological Day of Atonement (lines 7–9) at roughly the same time—i.e. in the last year of the tenth jubilee cycle—which is as one would expect, considering (1) the close relationship between the Day of Atonement, and (2) the fact that the two events have virtually the same effect, since the jubilee has been spiritualized. Moreover, such a reading places the time of these events in the "seventieth week," which is closer to where Dan 9, *T. Lev.* 17–18, and 4QapocrJer C (4Q387 2 ii 3–5) place the final destruction and the inauguration of the eschatological age.

Unfortunately, this reading has to be abandoned. On the opening of line 7, García Martínez *et al.* now insist, "both the surviving traces and the space needed for the first word strongly suggest בִּשְׁבֻעַ, and not בִּשְׁנָה."⁸⁴ Concerning the third word of the line, Milik asserted "une lecture bien étonnante est הַאֲחֵרִיִּין . . . contre הָרִאשִׁיִּין qui est tout à fait clair."⁸⁵ Thus, Milik applies to scrolls research the dominical

⁸⁴ DJD 23, 231.

⁸⁵ Milik, "Milki-sedeq," 103. One wonders, however, how "tout à fait clair" the reading can be if van der Woude, Fitzmyer, and others missed it initially.

dictum that “the last shall become first.” Regardless, apparently van der Woude himself later accepted הַרְאִישׁוֹן.⁸⁶ Finally, although almost nothing of the alleged סוף at the end of the line remains, it is difficult to think of another word of similar length that would fit the context.

Therefore, as troublesome as it may be, the current reading of the text must be accepted until further research can suggest a plausible alternative. The chronological arrangement resulting from the present reading of the text is that the eschatological jubilee-year is experienced by the men of Melchizedek’s inheritance in the first week of the tenth jubilee cycle. Then, about six weeks (forty-two years) later, the Day of Atonement occurs (at “the end of the jubilee”), which effects approximately the same result as the earlier jubilee-year.

The placement of the Day of Atonement at the end of the tenth jubilee is not surprising, since it seems in keeping with other Second Temple documents which place the climactic eschatological events at the very end of the seventy-week/ten-jubilee period. However, the proclamation of the eschatological jubilee in the *first* week of the *tenth* jubilee (i.e. week 64) is unprecedented in Second Temple apocalyptic works. Moreover, it seems at odds with the temporal relationship of the Day of Atonement and jubilee presented in Lev 25, in which the Day of Atonement inaugurates the (subsequent) jubilee year. The reason why the author of 11QMelchizedek would separate the jubilee and Day of Atonement into two separate but very similar eschatological events, and place one at the beginning, the other at the end, of the tenth jubilee, remains obscure.

On the Day of Atonement, atonement is made for the “sons of light” who are identified as the “men of the lot of Melchizedek” (line 8). The use of the term “lot” (נורל) is a reference to the Day of Atonement ritual in Lev 16:18, in which lots are cast to choose which goat is dedicated to the LORD and which to Azazel. The author of 11QMelch probably views the two goats as symbolic of two bodies or “lots” of humanity: those dedicated to God and those dedicated to Belial/Azazel.

⁸⁶ Assuming his opinions are reflected in the translation presented in DJD 23.

This eschatological Day of Atonement is identified as “the year of grace of Melchizedek,” which is quite a remarkable phrase. It is an unmistakable reference to Isa 61:2a, “to proclaim a year of favor to the Lord” (לקרא שנת־רצון ליהוה), which in turn is a clear evocation of the image of the jubilee year. However, Melchizedek has taken the place of the LORD; instead of שנת־רצון ליהוה we now have שנת־רצון למלכי צדק! Be that as it may, in this line of 11QMelch, the *Day* of Atonement is now being described as a jubilee *year* through the use of Isaianic images. This is another example of the fluidity and near-equivalence of the Day of Atonement and jubilee in this document, which follows from the spiritualization of the jubilee seen in line 6.

The following lines (10–14) elucidate Melchizedek’s role as judge and avenger on the eschatological Day of Atonement through quotations from the psalms. Melchizedek has already been interpreted as the equivalent of the LORD; now he is read as the equivalent of אלהים in these psalms.⁸⁷

At first, the stress on Melchizedek as executor of God’s vengeance (line 13) may seem at odds with the imagery of the Day of Atonement and jubilee, neither of which say much about vengeance. The immediate impetus for the wedding of the concepts of proclamation of liberty and execution of vengeance is to be found in Isa 61:2, in which, as was seen above, the two movements are juxtaposed:

לקרא שנת־רצון ליהוה^{2a} ^{2a}to proclaim a year of favor of the LORD
 בִּיּוֹם נָקָם לֵאלֹהֵינוּ^b ^ba day of vengeance for our God

There are also some implicit elements of vengeance associated with the Day of Atonement and jubilee in the pentateuchal texts. In the Day of Atonement, there is in a sense an implicit act of judgment against the people of Israel, yet the divine vengeance/wrath is diverted through the sacramental ritual to the scapegoat and the sacrificial goat, each of whom bear the people’s sins and the attendant divine vengeance, though in two different modes. As for the jubilee, it was noted above that (1) the institution of the jubilee seems closely related to the institution of the redeemer or נֹאֵל,⁸⁸ and (2) that the

⁸⁷ See Kobelski, *Melchizedek*, 59–62.

⁸⁸ For example, all the biblical legislation on the נֹאֵל occurs in either Lev 25:25–55 or Num 35:14–34. Lev 25:25–55 is, of course, part of the jubilee legislation itself;

two biblically-mandated duties of the מְשִׁיחַ are (a) redemption of the kinsman (Lev 25:25–55), and (b) vengeance on the kinsman’s enemy (Num 35:16–34).

In line 15 the author returns once again to describing the eschatological event of jubilee/judgment as a “day,” this time as the “day of peace,” using imagery taken from Isa 52:7. The author is obviously not concerned to distinguish scrupulously between different events and characters described by “second” and “third” Isaiah, but tends to conflate the Book of Isaiah’s prophecies into one event.

Having brought Isa 52:7 into the discussion, the author proceeds to give an eschatological exegesis of the passage. Of particular interest is his identification of the “messenger” as “the ‘anointed of the spirit’ [i.e. Isa 61:1–2], as Dan[iel] said. . . .” What exactly Daniel said about him is no longer extant, but most scholars favor the insertion of a quote from Dan 9:25 here (“until the anointed prince, seven weeks . . .”). While it is highly probable that the missing quote was taken or paraphrased from either Dan 9:25 or 26, it is unlikely that the phrase usually reconstructed here (“until the anointed prince, seven weeks . . .”) is correct. The period of “seven weeks” (i.e. one jubilee) for the coming of the “anointed prince” does not fit the author’s chronology.⁸⁹ Moreover, regardless of the original intent of the author of Daniel, all the ancient versions attest to reading Dan 9:25 with the “anointed prince” arriving after “seven weeks and sixty-two weeks” (i.e. after sixty-nine weeks) or some variation thereof, i.e. near the end of the seventy-week period.⁹⁰ The evidence of the versions seems to indicate this was the dominant interpretation in antiquity. An arrival of the “messenger” after sixty-nine weeks places him in the last week of the tenth jubilee—an excellent time for him to fulfill his task of proclaiming the kingship of Melchizedek (cf. lines 24–25), whose climactic activity will be on the Day of Atonement that ends the tenth jubilee (lines 7–8). Therefore, it seems more likely that the missing quote from Daniel was not the five-word citation

and Num 35:14–34 is placed, curiously enough, directly before the addendum to the jubilee legislation consisting of Num 36:1–12.

⁸⁹ This would have the “anointed prince” arriving at the end of the first jubilee, far too early to be associated with the inbreaking of the eschaton and the ministry of Melchizedek, which takes place in the tenth jubilee.

⁹⁰ Cf. e.g. LXX, Theodotion, Vulgate *ad loc.*; and Roger T. Beckwith, “Daniel 9 and the Date of the Messiah’s Coming in Essene, Hellenistic, Pharisaic, Zealot and Early Christian Computation,” *RevQ* 10 (1981): 521–42.

usually provided, but a conflation or paraphrase of v. 25, v. 26, or both.

Who is the “messenger”: Melchizedek, or someone else? It seems he is indeed the same as Melchizedek. It is relatively clear from lines 4–6, 9, and 13 that Melchizedek is being understood as the “anointed of the spirit” of Isa 61:1–2: he is the one who performs all the tasks associated with the “anointed” of those verses. On the other hand, vs. 18 identifies the “messenger” of Isa 52:7 with the “anointed of the spirit” of 61:1. Moreover, lines 18–20, if the reconstruction is correct, again identify the “messenger” as the “anointed” of Isa 61:1–2, since the lacuna at the end of line 19 can be reconstructed with nothing other than another quotation of Isa 61:2, considering that line 20 offers a *peshet* on Isa 61:2c. Therefore, both the “messenger” and Melchizedek are identified with the “anointed,” and thus Melchizedek and the “messenger” are one and the same.⁹¹

One of the tasks of Melchizedek/“anointed one”/“messenger” is to “comfort the afflicted,” and the author of 11QM^{elch} takes this to mean “to instruct them in all the ages of the world” (line 20). Thus can be seen the importance of the division of times to the author and his community, a concern abundantly reflected in Daniel, *Jubilees*, 1 *Enoch*, and other Second Temple literature examined above. Why would “instruction in the ages of the world” be an act of “comforting”? Perhaps because the author and his community faced despair over the apparent lack of fulfillment of Scriptural promises of restoration. Yet to possess knowledge of the proper divisions of world history enables one to interpret the prophecies accurately, and see that

⁹¹ See discussion above, p. 283, esp. n. 80. Kobelski insists that Melchizedek is not the “messenger,” (*Melchizedek*, 61–62). His implicit argument seems to be (1) the “messenger” was a prophet, and (2) Melchizedek cannot be a prophet. In our opinion, there is no reason why Melchizedek could not attract a prophetic role in addition to his priestly and kingly roles. Moreover, the “messenger” of the text is equated with the “anointed *prince*” of Dan 9:25 according to most reconstructions of the text, so the “messenger” is not *merely* a prophet, quite apart from whether he is to be identified with Melchizedek. Kobelski does not come to grips with the fact that Melchizedek performs the role of the “anointed of the spirit” in Isa 61:1–2, and this implies that Melchizedek *is* the “anointed.” In reading Isa 61:1–2, the notion of performative utterance should be kept in mind—it is quite likely that both the author of Isa 61:1–2 and his contemporary readers understood the task of “proclaiming liberty” as “effecting liberty” (cf. esp. Jer 34:15 in context). That is, the “anointed” in Isa 61:1–2 is not the herald of a coming deliverance but the executor of deliverance. Certainly in 11QM^{elch}, Melchizedek both proclaims and effects liberty for the men of his lot.

they have not been unfulfilled, but rather remain to be fulfilled in the future according to an infallible schedule of years, weeks, and jubilees.⁹² This realization alleviates despair and encourages trust in God, the Scriptures, and divine providence.

Lines 22–24 interpret the statement of the “messenger” of Isa 52:7 that “your God is King” as a reference to Melchizedek, i.e. “your God” is Melchizedek (lines 24–25). Does this imply the “messenger” and “Melchizedek” are two different individuals in the mind of the author? Not necessarily, since Melchizedek could proclaim his own kingship. Although this may seem odd to modern readers, the author of 11QMelch has little or no difficulty melding the identities of different scriptural personae. The equation of “God” with “Melchizedek” (lines 24–25) is a prime example!

The extant text ends with a paraphrase of Lev 25:9, again indicating the importance of the jubilee to the document as a whole. In fact, if the quoted verses of Lev 25 were in order, one would be inclined to classify 11QMelch as a running commentary or *peshar* on that chapter. However, the citations of Lev 25 are in reverse textual order, so it is difficult to perceive the principle controlling the development of the document’s exegesis.

3.3.3. *Assessment of 11QMelchizedek*

The exegetical moves taken by the author of 11QMelchizedek offend modern critical sensibilities about the proper interpretation of Scripture, but it is clear that—judged by its own presuppositions—11QMelch is a masterful work, even in its sadly fragmentary condition. The author has accurately perceived that jubilee themes connect Lev 25, Deut 15, Isa 61, and Dan 9, and he has brought all these texts together to shed light on the anticipated eschatological fulfillment of the jubilee. The centrality of Melchizedek to this event seems unusual at first, but as VanderKam has shown, makes more exegetical sense upon closer examination. The identification of Melchizedek with the “messenger” of Isa 52:7, the “anointed” of Isa 61:1–2, and the “anointed prince” of Dan 9:25–26 is radical, but enables the author to focus different Scriptural prophecies of the eschatological age onto

⁹² Cf. the explicit statements to this effect in 1QpHab vii.

one eschatological figure and one basic event: a final, supernatural Day of Atonement/Jubilee.

11QMelchizedek witnesses again to the importance of the seventy-week/ten-jubilee chronology in Second Temple apocalyptic literature, even though the sequence of eschatological events is not completely clear and does not quite harmonize with that found in other Second Temple documents. The jubilee text (Lev 25) is important as an eschatological prophecy; the author perceives what was discussed above as the “implicit promise” of this piece of legislation. The jubilee is transformed from a historical, socio-economic event to a spiritual and eschatological one, thus becoming hard to distinguish from the Day of Atonement with which it is so intimately connected. In fact, throughout 11QMelch there is vacillation between describing the definitive eschatological deliverance as a “day” and a “year,” as *yom kippur* and jubilee. Yet, this amalgamation of the two events is not original to 11QMelch; incipient conflation and vacillation can be seen already in Isa 61:1–2, a text whose influence can be felt everywhere in 11QMelch.

11QMelchizedek is an important witness to Israelite interpretation of the jubilee in the period just prior to the ministry of Jesus Christ. It is obviously a text with which scholars must dialogue when attempting to elucidate certain New Testament references to the jubilee theme, notably Jesus’ inaugural sermon in Nazareth (Luke 4:16–30).

4. *Overview of Jubiliary Chronologies in Second Temple Literature*

11QMelchizedek concludes this survey of the jubilee in Second Temple literature, and it is now possible to take a synoptic view of the various chronologies of the end times based on weeks and jubilees present in these documents. The following chart shows the basic unit of time-measurement, the number of units, the turning-point, and the culmination point of the apocalyptic eschatological chronologies in Dan 9, *1 Enoch*, *Testament of Levi*, *Apocryphon of Jeremiah C*, and 11QMelchizedek. Where the units can be converted to a different denomination, the alternate figure is given in brackets (i.e. 70 weeks [10 jubilees]):

	Daniel 9:24–27	Apocalypse of Weeks <i>1 En.</i> 91:11–17; 93:1–10	<i>T. Levi</i> 17–18	4QapocrJer C (4Q383–391)	11QMelchizedek
Unit	Weeks [Jubilees]	Weeks	Jubilees	Jubilees	Jubilees
# of Units	70 [10]	10	7	10	10
Time Span	Second Temple	World History	Patriarchs to Eschaton?	Second Temple	Unknown
“Turning Point” ⁹³	End of 70th Week [End of 10th Jub.]	End of 7th Week [End of One Jubilee]	End of 7th Week of 7th Jubilee	End of 10th Jubilee	1st Week of 10th Jubilee
Arrival of Eschaton	After 70th Week [After 10th Jub.]	7th Part of 10th Week	After 7th Week of 7th Jubilee	After 10th Jubilee	End of 10th Jubilee

Figure 9.1. Second Temple Eschatological Jubilary Chronologies

There are obvious similarities between these five systems, yet also significant differences. No two seem to reflect exactly the same chronology. Although Dan 9:24–27 and 4QapocrJer C are quite similar, closer examination of the texts would reveal discrepancies not reflected in the above chart due to the small number of categories it represents.

One can see that the numbers seven and ten and their multiples (e.g. seventy) are important, an overarching period of seventy weeks/ten jubilees is particularly popular, the fortunes of God’s people reach their lowest point at the end of the period, and the eschaton arrives afterward. These are the legitimate generalizations; further attempts to make these documents correspond to a general Second Temple jubilary chronology cannot succeed without placing forced interpretations on one or more of the texts.⁹⁴

⁹³ That is, the point in the chronology where the fortunes of God’s people reach the lowest ebb and begin to improve.

⁹⁴ For example, Devorah Dimant, “The Seventy Weeks Chronology (Dan 9, 24–27) in the Light of New Qumranic Texts,” in *The Book of Daniel in the Light of New Findings* (ed. A. S. van der Woude; BETL 106; Leuven: Peeters, 1993), 57–76, attempts to establish a common chronology for some of these documents which, in our opinion, is not reflected in the texts themselves.

5. Conclusion

The concept of the jubilee was put to historiographic, cultic-calendrical, and eschatological uses in the Qumran documents. The *Genesis Apocryphon* (1Q21) and *Ages of Creation B* (4Q181) schematize at least part of biblical history by jubilee cycles, while *Apocryphon of Joshua*^b (4Q379) marks the first year of the entrance to the land as a jubilee. The underlying assumption of these documents seems to be that jubilees have been counted since creation and not just since the entrance to the land, as Lev 25:2 would seem to imply. The *Genesis Apocryphon* presupposes that the method of counting jubilee cycles was, in fact, already revealed to mankind at least by the time of Noah.

4QOtrot (4Q319) represents an attempt to correlate the cycles of priestly courses, *shemittahs*, and jubilees at Qumran. The length of the jubilee cycle seems to vary in order to make the end of the cycle fall on the year of a “sign” (תִּשְׁבָּעַת), although there are some anomalies in the counting system. The text implies that jubilees have been counted since creation. It seems likely, based on this text, that the Qumran community had calculated their place in time from creation in jubilee cycles, in order to be able to implement the correct cultic calendar when the eschaton arrived and they received control of the temple.

Several Qumran texts seem to count the period from the exile to the eschaton according to jubilee cycles. 4QNarrative D (4Q463) and 6QApocryphal Prophecy (6Q12) are too fragmentary to give a clear idea of the anticipated time-frame of jubilees, but *Apocryphon of Jeremiah C* (4Q385a, 4Q387, 4Q390, etc.) and 11QMelchizedek (11Q13) speak of a ten-jubilee period from roughly the exile to the inbreaking of the final age. Common to all of these documents is the eschatological exegesis of Lev 25–26: the covenant curses of Lev 26 are seen as fulfilled in the troubled period before the eschaton, and the arrival of the eschaton is calculated in the weeks of years and jubilees of Lev 25.

Despite the relatively large amount of text surviving from the *Apocryphon of Jeremiah C*, it is not possible to correlate the events it describes during the ten-jubilee period with Second-Temple history. The author is developing the argument of Dan 9 that Jeremiah’s “seventy years” of desolation have been extended seven-fold due to the lack of repentance among the LORD’s people. In fact, the author of the *Apocryphon* may have taken Dan 9 a step further by asserting

that not just Daniel but Jeremiah himself foresaw the extended delay of the fulfillment of his prophecy.

11QMelchizedek works with a ten-jubilee period similar to the *Apocryphon of Jeremiah C*, and gathers several texts relevant to the jubilee (Lev 25, Deut 15:1–11, Isa 61:1–2, Dan 9:24–27) in order to interpret them in light of each other, with a view to the last days. The jubilee is conflated with the *shemittah* year, and the concept of jubilee is spiritualized, such that the release of debts concerns sins and not money. As a result the jubilee becomes hard to distinguish from the Day of Atonement, and the text appears to meld the two at points. The figure of Melchizedek is given a prominent role in the eschatological jubilee/Day of Atonement, taking on the roles of the “anointed of the spirit” (Isa 61:1–2), the “anointed prince” (Dan 9:25–26), and the “messenger” (Isa 52:7). This multi-role Melchizedek appears in the tenth jubilee in order to actualize a jubilee-year on behalf of those associated with him, to execute vengeance on their enemies, and to atone for their sins on a climactic Day of Atonement.

CHAPTER ELEVEN

CONCLUSIONS

Having carefully examined all the relevant references to the jubilee and the legislation of Lev 25 in the Hebrew Bible/Old Testament, Second Temple literature, and Qumran documents, it is now possible to synthesize and summarize the results of this study.

1. *The Significance of the Original Jubilee Legislation*

The jubilee legislation of Leviticus 25 seems to have arisen in early Israelite tribal society, although the precise form of the text as we have it may have been revised in later periods. The conceptual basis of the legislation is that the entire territory controlled by Israel was analogous to a temple estate, and the Israelites themselves were sacred slaves, having been dedicated to YHWH through the exodus experience. Like inhabitants of temple estates throughout the ancient Near East, the Israelites enjoyed certain rights and protections (*kiddinutu*). They could not be reduced to absolute slavery, only to a temporary indentured servitude, from which they could be redeemed by a near kinsman (*go'el*). Should redemption by kin fail, the legislator provided for Israelite society a periodic decree of *andurarum*, namely, the jubilee, in which all Israelites would return to their clan and familial inheritance. Whereas in the rest of the ancient Near East kings issued proclamations of *andurarum*, Israel was a kingless society—or more accurately, was understood to be a theocracy in some sense ruled directly by YHWH. Therefore the proclamation of the jubilee was tied to a cultic calendar with ancient West Semitic roots, based on multiples of seven and fifty ($7 \times 7 + 1$).

The jubilee was intended to be practiced as law, and there is a small amount of indirect evidence that it was not completely unobserved, even if for most of Israel's history it seems to have been ignored. Although the legal aspect of the text is primary, even the original jubilee legislation—and not just later re-interpretations of it—had certain “eschatological” overtones, which may be enumerated as follows:

First, the Israelites remembered themselves as being landless slaves in Egypt, and by comparison, the acquisition of freedom and land within Canaan was for them an ideal, blessed, even “eschatological” (final) state. This final, ideal state of existence consisting of independence, land, and relative equality between the families and clans of the society needed legal protection in order to be maintained. This was the purpose of the jubilee.

Second, since the jubilee was established on such a long (50 year) cycle of recurrence, the individual Israelite debtor may have lived much of his life in anticipation of the coming of the jubilee. It would have been for him, in a sense, an “eschatological” event, to be released and enable to return to home and family near the end of his life.

Third, the jubilee’s goal of maintaining ancestral property within the family line seems related to the preservation of the “name” of the Israelite upon his land (cf. Num 27:3–4, Ruth 4:10), which points to some notion of the afterlife within Israelite society, even if its exact contours are unclear. The state of the deceased Israelite is more blessed if his progeny maintain his “name” upon his land than if they do not. This may be related to the ritual maintenance of ancestral graves located on the familial inheritance. Alienation of the land from the family would prevent the performance of the proper rites for the deceased by their descendants. Therefore, the preservation of the ancestral land within the family line played a role in the blessedness of the deceased in the afterlife, another “eschatological” aspect of the jubilee legislation.

The other two passages which refer to the jubilee in the Pentateuch, Lev 27:16–25 and Num 36:4, arise from the same era and milieu as the legislation of Lev 25. The concept of the jubilee has not “moved” in these passages. It is still viewed in its legal sense, as practiced law. Lev 27:16–25 applies the jubilee institution to the dedication of land to the sanctuary. The passage is theologically interesting, inasmuch as it indicates that even YHWH himself respects the jubilee and the perdurance of ancestral land within the family line, and will not accept permanent donations of land except under unusual circumstances (Lev 27:20–21). Num 36 records an addendum to the Israelite laws of inheritance in order to prevent the alienation of ancestral land due to the exogamy of landed daughters, which the earlier jubilee legislation did not address.

2. *Legal Interpretations or References to the Jubilee*

There are a handful of references to the jubilee as practiced law in the Hebrew Bible/Old Testament. Isa 37:30–32 (= 2 Kgs 19:29–31) records what appears to be a command by Isaiah to Hezekiah concerning the observation of two successive fallow years—probably the sabbatical and jubilee—as a sign of covenant faithfulness to the LORD. Indeed, some chronological reconstructions identify the year this oracle was given (according to the text) as a sabbatical year.

The Book of Ezekiel, long noted for its close relationship to the Holiness Code, contains the most references and allusions to the jubilee legislation of any canonical book. Incidental references to aspects of the jubilee laws can be found in Ezek 7:12–13, 11:15, 18:8, 13, 17; 22:12; and 34:4. These references assume that at least some aspects of the legislation of Lev 25:8–55 were known to Ezekiel's audience. He sharply rebukes them for not obeying the injunctions of Lev 25:36–37 (Ezek 18:8, 13, 17; 22:12) and Lev 25:43, 46, 53 (Ezek 34:4).

The clearest allusion to the jubilee in the Book of Ezekiel comes in Ezekiel's vision of restoration (chs. 40–48). In 46:16–18, the prophet proposes laws for the disposition of royal property that take account of the recurring “year of liberation (דְּרוֹר),” that is, the jubilee. Apparently, Ezekiel expected that the year of jubilee would continue to be calculated and observed in the reconstituted Israelite nation after the exile.

In post-exilic and Second Temple literature, the notion of the jubilee as a functioning socio-economic institution (as opposed to an eschatological concept) is not to be found. Even at Qumran, where there was intense interest in other aspects of the jubilee, no laws for the actual observance of the jubilee year have been found, although it is just possible there may have been some in the text missing at the bottom of 1QDM (1Q22) col. iii.

3. *Ethical Interpretations of the Jubilee*

Two canonical texts reveal an *ethical* reinterpretation of the jubilee. An *ethical* reinterpretation does not seek a literal observation of the jubilee legislation, but rather a contemporary application of the ethical principles upon which it is based.

In Jer 34:8–22, the prophetic author interprets the emancipation of Judean slaves under Zedekiah as an *ad hoc* fulfillment of the spirit of Lev 25:8–55 and Deut 15:1–18, even if the actual liberation did not quite follow the stipulations of either law. Zedekiah and the rest of the Jerusalemite aristocracy may have encouraged the perception of their actions as fulfillment of ancient sacred law. Nonetheless, since the leading citizens reneged on their commitment and re-enslaved their fellow Judeans, Jeremiah proclaims an “un-jubilee” for the Judean elite, consisting of death, destruction and defeat by their enemies.

In Isa 58, the prophetic author rebukes his contemporaries for divorcing cultic observation from social ethics. In particular, he criticizes fasting—apparently fasting on *yom kippur*—while continuing unjust socio-economic practices. The passage is filled with imagery and/or allusions to *yom kippur* and the jubilee. The prophetic author has noted the intimate relationship between the two, since the jubilee is proclaimed on *yom kippur*. He rightly senses that the jubilee is the socio-economic expression or correlation to the ritual of the purification of the sanctuary, and he urges his listeners to take immediate concrete steps to alleviate poverty and restore justice to the oppressed. He does not envision or urge a literal re-institution of the jubilee laws with all their cumbersome legal and economic implications, but recognizes that practical actions which achieve the same goal—justice and equity—will be pleasing to God and merit the same sorts of blessings (cf. Isa 58:8–12, 14) that were promised for the literal observation of the Torah (cf. Lev 26:1–13).

4. *Eschatological and Messianic Interpretations of the Jubilee*

In the post-exilic and Second Temple literature, it is by far the *eschatological* interpretation of the jubilee that comes to the fore. After the exile, if not already long before, the social and economic conditions of ancient agrarian tribal Israel, for which the jubilee was appropriate, were hopelessly destroyed, and a re-implementation of the jubilee legislation was completely unworkable even had it been desired. Nonetheless, scriptural authors subsequent to the exile remained convinced that the sacred laws retained relevance, because they were perfect and inspired. Based on this conviction, they began to treat *law* as *prophecy* by means of a symbolic, or typological, hermeneutic.

In their view, jubilee legislation was not—or at least not *only*—intended for the poor Israelite who fell into debt-slavery. The hypothetical individual whose plight the laws of Lev 25:25–55 meant to alleviate was actually a corporate symbol, or type, of the people of Israel as a whole, who had fallen into debt with the LORD by failing to observe the law, and so had become enslaved to various foreign powers and alienated from their ancestral land. Lev 25:25–55 describes two ways the debtor may be freed from servitude and restored to his land: by the action of a kinsman-redeemer (*go'el*) or by the arrival of the jubilee year. Later scriptural authors focussed on one or both of these mechanisms as the means of redemption for the entire nation: either a time of grace would finally arrive for the people (an eschatological jubilee), or a redeemer-figure would come to implement the liberation, or the two would converge. When the two converge, that is, when a redeemer-figure (often a משיח, an “anointed one”) arrives at the end of time to proclaim and implement a jubilee age, the author’s interpretation of the jubilee may be described not only as *eschatological* but also *messianic*.

The period of seven weeks of years between jubilees (Lev 25:8–10) was taken as a cryptic clue, which—when combined with other scriptures, especially Jer 25:11–12, 29:10, and Lev 26:21—enabled the calculation of the time remaining until the arrival of the redeemer-figure and the eschatological jubilee.

Already in Ezek 40:1 there seems to be an oblique indication of this eschatological interpretation of the jubilee. Ezekiel sees his vision of the restoration of the Temple and Israel in the twenty-fifth year of the exile—the half-way point in the jubilee cycle. The prophet may have expected his vision of the restored community to come to fruition at the end of the jubilee cycle, when the people would be restored to their land. He structures his visionary temple—as well as the dimensions of the future city of Jerusalem and the partition of the land of Israel—on multiples of the jubilee number fifty. This may indicate the close relationship he sees between the concept of jubilee and the restoration of the nation.

The second part of Isaiah focuses on the redemption of Israel through the *go'el*, a term that is applied to the LORD thirteen times (Isa 41:14, 43:14, 44:6, 24, 47:4, 48:17, 49:7, 26, 54:5, 8, 59:20, 60:16, 63:16). But redemption is also to be accomplished through various representatives of the LORD, especially the mysterious one who is anointed with the Spirit (61:1). In Isa 61:1–4 this anointed

one is given the task of proclaiming the eschatological jubilee, the “year of the LORD’s favor,” which will involve liberation of the oppressed (v. 1), renewal of joy and optimism (v. 3), and economic restoration (v. 4). In this passage there is a clear convergence of the arrival of the redeemer figure—described here as a משיח, an anointed one—and the eschatological jubilee.

In later eschatological interpretations of the jubilee, schematic chronologies of the time remaining until the eschaton based on weeks of years (Lev 25:1–7) and jubilee cycles (Lev 25:8–10) become increasingly important. In Dan 9, the prophet Daniel is portrayed as engaging in penitential prayer, asking God to forgive the transgressions of his people and restore the city of Jerusalem and its people as promised through the prophet Jeremiah (Jer 29:10–14) after seventy years. In response to his prayer, the angel Gabriel appears to inform him that, while aspects of the Jeremianic prophecy will be fulfilled in the short term, the full restoration would be delayed “seventy weeks of years.” While Gabriel does not claim to be interpreting Jeremiah, and the exact logic behind the figure of “seventy weeks of years” is not explicit, it seems probable that the restoration has been delayed by a factor of seven according to the principle of Lev 26:18 *et passim*, since the repentance required for the fulfillment of the prophecy (Jer 29:12–14) has not taken place. The seven-fold increase of seventy years yields “seventy weeks of years,” which takes on jubilar significance as ten jubilee cycles. At the end of this period, presumably, the eschaton will arrive.

As in Isa 61:1–4, a משיח is associated with the arrival of the eschatological jubilee in Dan 9 as well, but in an unusual way. At the nadir of fortunes of Jerusalem and her people—the “seventieth week” of the seventy weeks of years—the משיח is “cut off” (Dan 9:26). What exactly happens to him subsequently, and how the eschatological age is inaugurated, is not described by the text, although *that* an eschatological age arrives at the end of the seventy-week period is implied in Dan 9:24.

The *Apocalypse of Weeks* (1 Enoch 93:1–10, 91:11–17) uses a different jubilar chronology to schematize world history until the arrival of the eschaton. The author divides world history into ten weeks. The nadir of history is reached at the end of the seventh week (a complete jubilee cycle), after which righteousness begins to prevail until the end of the tenth week, when the eschatological age is attained.

The *Testament of Levi* divides world history—or perhaps better, salvation history—into seven jubilees, each of which is associated with a priesthood. Predictably, the seventh jubilee, and particularly its seventh week, marks the lowest point of history, characterized by a priesthood given over to every kind of evil (*T. Levi* 17:11). Afterwards dawns the eschaton, when a messianic figure, the “new priest,” arises to lead Israel (18:2).

An eschatological chronology of jubilees appears in four Qumran documents, 4QNarrative D (4Q463), 6QApocryphal Prophecy (6Q12), 11QMelchizedek and the unnamed document attested in 4Q383–391. Only the latter two documents have survived with enough text intact to permit extensive analysis.

The texts among 4Q383–391 which mention the jubilee are assigned by Devorah Dimant to a hypothetical document she entitles “*Apocryphon of Jeremiah C*” (4QapocrJer C), which probably represents a subdivision of a single document represented by all the fragments 4Q383–391. The *Apocryphon* seems to assign the post-exilic/Second Temple period a duration of ten jubilees, during which the moral and spiritual condition of the people is debased. For much of this time Israel is ruled by evil spirits, “angels of Mastemot.” While substantial portions of this text have been preserved, the vagueness of the description of events during this ten-jubilee period obfuscate attempts to establish their historical referents. Not much is clear beyond the fact that author’s view of Second Temple history is very negative. Presumably an eschatological age arrives after the tenth jubilee, but as in Dan 9, that age is not described. The document has other affinities with Dan 9. If Dan 9 amends Jeremiah’s prophecy of “seventy years” by adding an additional punitive “seventy weeks of years” until the promised restoration, the *Apocryphon of Jeremiah C* may have portrayed the duration of this punitive period (“seventy weeks of years” = ten jubilees) as being revealed by God to Jeremiah himself.

11QMelchizedek represents perhaps the richest and most sophisticated eschatological interpretation of the jubilee. The author takes themes and phrases from several scriptural passages pertaining to the jubilee (Lev 25, Dan 9, Isa 61) and applies them to Melchizedek (Gen 14), who is given a quasi-divine role in the inauguration of the eschaton. Melchizedek arrives in the “tenth jubilee” to proclaim freedom from the debt of iniquity for all those of his “inheritance,” for whom he also provides atonement, freeing them from the power of

Belial, and executing vengeance on Belial's followers. The author seems to assign the roles of the "messenger" of Isa 52:7, the "anointed" of Isa 61:1–2, and the "anointed prince" of Dan 9:25–26 all to Melchizedek, who becomes a high priest eminently qualified to perform the ritual of the Day of Atonement necessary to actualize the eschatological jubilee era.

Thus, there are at least five documents from the Second Temple period (Daniel, *Apocalypse of Weeks*, *T. Levi*, *Apocryphon of Jeremiah C*, 11QMelch) that present chronological schemes of history up to the inbreaking of the eschaton based on weeks, jubilees, and units of seven and ten. While some are quite similar, none are exactly the same in all particulars, preventing us from reconstructing any "consensus" calendar for the arrival of the jubilee age within Second Temple Judaism.

It should be noted that the interpretations of the jubilee in Isa 61:1–4, Dan 9, *T. Levi*, and 11QMelchizedek, in addition to being *eschatological*, are also *messianic*; whereas those of Ezek 40:1 *et passim*, the *Apocalypse of Weeks*, and *Apocryphon of Jeremiah C* (apparently) are only *eschatological*.

5. *Chronological Uses of the Jubilee*

The *Book of Jubilees* is the premier example of the historical-chronological use of the jubilee in Second Temple literature. The word "jubilee" in the book refers, with few exceptions, to the jubilee cycle of 49 years, and not the year of jubilee itself. The history of Israel from creation to the entry into Canaan is divided into fifty such cycles, and each significant event in Pentateuchal history is dated meticulously by years, weeks (of years), and jubilees.

However, the author of *Jubilees* does not completely lose sight of the significance of the jubilee as a definitive restoration of land and family. According to the book, the land of Canaan is the ancestral land of the line of Shem, from which they have been displaced by the line of Canaan. Fittingly, in the "jubilee of jubilees"—the fiftieth jubilee since creation—the dispossessed Israelites, heirs of Shem, return to Canaan to reclaim their ancestral inheritance.

6. *Cultic-calendrical Uses of the Jubilee*

The Qumran community had a strong interest in calculating their place in time from creation and to the eschatological age. The four Qumran documents that utilize the jubilee in schematizing the time until the eschatological age, as well as the popularity of the *Book of Jubilees* within the community, are evidence of this interest. In 4QOtot (4Q319), probably part of the *Rule of the Community*, the Qumranites developed an extensive system of correlation between jubilee cycles, *shemittah* cycles, and the rotation of priestly courses or *mishmarot*. The 294-year system of correlation in 4QOtot has many inexplicable features, such as the identity of the sign (𐤒𐤕) which occurs every three years, the variation in the lengths of the jubilee cycles, and the numbering of the jubilee cycles from two to seven rather than from one to six. Nonetheless, 4QOtot does provide good evidence that the Qumran community attempted to calculate jubilee cycles for themselves and their own time, and not just for events in biblical history or in the unfolding of the eschatological era. A passage from the *Rule of the Community* (1QS x, 6–8) seems to indicate that the cycles of sabbaths, festivals, sabbatical year-weeks, and jubilees were important for structuring the rhythm of prayer and worship for the Qumran community.

7. *General Observations*

It is now possible to make some general observations about the development of the jubilee concept through Israelite and Jewish history.

Legal references to the jubilee cease with the prophet Ezekiel in the period of the exile. After this time, there are no documents produced which seem to envision the jubilee being implemented as a functioning law.¹ Even ethical interpretations of the jubilee seem to cease after the oracle of Isa 58, which is usually dated to the early decades of the post-exilic period.

¹ Lev 25:10–55, 27:17–24, Num 36:4, and Ezek 46:16–18 all *envision* the jubilee as a functioning law, whether or not it was ever actually put into practice. We have argued above for a pre-exilic date for these pentateuchal texts and an exilic date for Ezekiel.

In Second Temple Judaism the legal and ethical aspects of the jubilee are largely eclipsed by its use as chronological unit, a division of sacred time by which to schematize the past (e.g. *Jubilees*) and the future until the final age (Dan 9, *T. Levi*, etc.). The association of the jubilee with liberation is not lost, but eschatologized. The liberation that the jubilee represents becomes identified almost exclusively with the dawning of the eschaton. Even at Qumran, where the community made such efforts at strict observance of the Torah, there is little or no evidence that the jubilee year was observed legally and economically, even if the jubilee cycles were calculated.

Increasingly in the Second Temple period, the arrival of the eschatological jubilee is associated with the coming of a messianic figure, whether royal (Dan 9), priestly (*T. Levi*), or both (11QMelchizedek). The raw material for this association is present in Lev 25, which presents both the *go'el* and the jubilee as means of redemption. The earliest document to combine the arrival of the *go'el* and jubilee is the second part of Isaiah, where God is identified as the *go'el*, and his redemptive activity is carried out by an "anointed" representative who proclaims the eschatological jubilee (Isa 61:1–4).

Finally, a shift occurs in Second Temple literature concerning the type of debt the jubilee addresses. While the original legislation was clearly concerned with monetary debt, the later texts apply the jubilee to moral-spiritual debt, i.e. sin. This is implicit in many documents (cf. Dan 9:24, *T. Levi* 17:10–11; 18:9) but is made explicit in 11QMelchizedek, where the liberty (דְּרוֹר) proclaimed for the men of the lot of Melchizedek is "to free them from [the debt of] all their iniquities" (11QMelch 6).

These general observations may be of assistance in evaluating the significance of jubiliary allusions or motifs in the New Testament.

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